

**Public Comments on Current Iowa Court
Covid-Related Processes**

CLERK SUPREME COURT

Comments received through May 28, 2021

Remote Technology

1. Strong encouragement to conduct civil court business other than jury trials using videoconference or telephone. Courts, parties, and attorneys are strongly encouraged to conduct civil court business when feasible using videoconference or telephone.

Comments

1. I believe that civil court hearings need to go back to in person court. There are a lot of things to consider as far as a persons conduct, facial expressions etc. — *Traci Harper, Judicial Specialist IV*
2. Agree - this is ideal for most temporary hearings, CINA hearings and other hearings such as criminal and civil pretrial conferences. Additionally, having witnesses from other jurisdictions that would have otherwise been unable to travel has been invaluable. — *DeSjhawn Bird-Sell, Sell Law, PLC*
3. Once the technology was in place, I really liked this. We learned new ways to keep in contact with our clients as well as do business in Court. It seemed that clients were more likely available for this remote format than if they had had to come in. — *Cindy Elgatian, JCO III, 7th District*
4. As a defendant in a civil matter I have been very disappointed in the restrictions that telephone and/or video conference hearings cause. It is vital that all persons accessing the hearing must be identified as sometimes they are not visible. As a party to the matter I think we have a right to have our "accuser" face us and not hide behind their attorney's video camera. There is plenty of space in courtrooms to provide proper "social distancing". — *Janine Sulzner, defendant in civil case & retired co. auditor*
5. I believe video conferencing has been a huge benefit for my clients. Pre-COVID, a scheduled hearing, even if it was ultimately not contested, would require clients to get time off work, find transportation and care for their children - which can be very difficult in rural communities - only to sit for hours waiting for their case to come up. With video-conferencing, parties can participate from home or work with minimal interference. — *Christine Sand, Wild, Baxter & Sand, PLC*
6. I believe this should remain as it saves judicial resources in terms of time and energy and also is beneficial to lawyers who can appear in different courts at different times without taking the time to travel. — *Chief Judge Greve, 7th District*

7. This should continue. It saves judges time because less travel is required. It allows for hearings to be set in a shorter time frame. It saves litigants expenses related to attorney travel. — *Chief Judge Drew, 2d District*
8. We all learned that videoconferencing is an acceptable alternative to live depositions and court hearings. Some of us found we were actually better prepared for depositions because of the need to share exhibits prior to depositions and be familiar with the share function to effectively question witnesses. — *Bruce Braley, Leventhal, Puga, Braley PC (Colorado)*
9. We are all getting used to this now. Our clients like it and it saves them money. — *Elizabeth A. Rosenbaum, PC*
10. Keep — *Alysia Beam, Judicial Specialist IV*
11. Remote Technology? Awesome option. However, continuance of a hearing, particularly in small claims, if the connection is bad (this does happen) s/b and option. I heard of a case recently where the Magistrate blamed one of the parties for poor audio stating (paraphrased), "that's what you get for not appearing in person". The case S/H/B continued, IMO. Also, an option to test with a clerk? — *Andrew Lietaow, Iowa Landlord Assoc.*
12. This works very well and would love for it to continue. — *Dawn Landon, Sell Law, PLC*
13. Agree. This will ultimately save money in travel expense and will allow smaller counties to have more attorneys practice in small claims types of hearings without having to drive from larger cities. It's difficult sometimes to find attorneys willing to travel to rural counties to represent people on smaller civil matters due to the additional expense of travel and time out of the office. — *Mark Strugeon, Court Reporter*
14. Video conference technology has proven to be very useful and efficient for hearings, especially for routine matters. I would like to see the use of video hearings continue in the context of routine hearings. — *Patricia Meier, Midey, Erdahl, Meier & Araguas, PLC*
15. This has been extremely useful and I believe this should continue. — *Jennie Wilson-Moore, Wilson Law Firm*
16. Before March 2020, I would have said that hearings, especially with testimony, and trials should never been tried via video conference. I have tried several via video conference since that date and believe that this is something the Court should keep - or at least make as an option. I would strongly encourage the Court to keep these as options for hearings such a hearings on temporary matters or hearings on motions. — *Anjela Shutts: Whitfield & Eddy Law, PLC; ISBA; ATJ Commission*
17. No objection. Prefer in person, but many such hearings are simply repetitive of the briefs/pleadings. Rarely is testimony presented. — *Judge Dalrymple, 1st District*

18. Please maintain. Everyone has now figured out how to make this work, and this saves on travel and waiting time. — *Austin Peiffer, AG & Business Legal Strategies, An Uncommon Law Firm*
19. I do not agree with this at all. Many parties and attorneys appear via videoconference and do not seem to understand that they are in a court proceeding. They walk around, some have been lying in bed, playing with or caring for their children, helping other parties testify, eat, poor connections, constantly turn their video on and off, etc. Many parties never turn their video on at all. I am not a fan of remote hearings for these reasons. — *Beverly Bleigh, Court Reporter*
20. This has worked out wonderfully. I do believe that it has increased our parent participation as many of the families & clients we serve struggle with transportation & this has allowed them the ability to attend when otherwise not able to do so. — *Ashley Gross-VanGordon, Social Worker 3*
21. Most of us have adapted pretty well to conducting routine court business via videoconference or telephonically, which serves the interests of convenience and avoiding unnecessary travel. However, I don't see any particular reason to invoke "strong encouragement" on this issue. — *Mike Carmony, Carmony Law Firm*
22. I would like to continue this beyond the pandemic because it has simplified my life significantly as I work in several counties. It has reduced transportation cost and time associated with driving between counties. — *Jeannette Keller, Bowman, DePree & Murphy*
23. We have been conducting hearings on administrative actions to establish and modify child support obligations by videoconference 5th district. This has been working well for the pro se litigants, who do not have to take extra time from work to travel to the courthouse. Attendance at these hearings has risen. There are no conflicts between the parties at the courthouse. The hearings are effectively accomplished, in a timely manner. — *Justin Walker, CSRU*
24. I am a court reporter, and while I was able to understand the utilization of GoToMeeting and Zoom, I feel this has run its course. For over a year court reporters have been trying to do their job through electronic means, and our jobs are made so much more tedious when we have to conduct business through said electronic means. — *Kara Sullivan, CSR, RPR, 7th District*
25. In our shared experience in the 7th, we believe it NOT appropriate to have any hearing that lasts more than 3 hours via Zoom. We have too much trouble with clients uneven Internet access, and too many witnesses who want to call in, rather than join via interactive video. It is extremely difficult for Reporters to clearly hear a witness when they cannot also see their face. So our decision was to limit Zoom hearings to 3 hours or less. — *Judge Werling, 7th District*
26. Criminal matters other than jury trials should be able to be done using videoconference or telephone as well. When defendants do not live in county or state, it makes it much easier if they're able to call in.

Especially for short hearings. The court should at least have discretion to do so. — *Kimberly DePalma, Assist. SPD*

27. Totally agree. For us it is a significant cost and time saver. — *Libby Nelson, VP, General Counsel, Kemin Indust.*
28. I believe that this benefits the people we serve greatly by having them avoid having to take time to drive to/from the courthouse and take time off work for what are generally short matters. This includes not only initial appearances but also many hearings. — *Magistrate Mark Neary*
29. Sometimes this is helpful, but the lack of personal interaction between attorneys is not. Many things can be solved by in person conversations which happen informally at Court. Additionally, client control is much easier in person and in a court room. For certain hearings, this works, but I don't believe it should be the norm. — *Philip De Koster, De Koster & De Koster*
30. Enjoyed using the videoconferencing for family law cases, trials have worked great. Some glitches but overall very effective and easy. — *Michelle Lewon, Attorney at Law*
31. I handle a criminal docket and juvenile docket, so I don't conduct civil court business. I occasionally covered committal proceedings. I found remote technology very useful and helpful. I anticipate going forward that it would save a great deal of travel time to continue to conduct many matters using video conferencing. — *Steve Cooper, Asst. Dallas Co. Attny*
32. I believe this should be retained. It reduces attorney fees for clients as it does not require the attorney to take time away from the office to go to the courthouse and often wait around until the hearing begins. I have found using remote technology keeps hearings and court schedules more on task and punctual. I have not had any issues with a client unable to participate this way even though I work with a number of indigent clients. — *Victoria Noel, Noel Law Firm, PC*
33. Particularly for juvenile hearings, it would be helpful if the judges could continue to allow remote hearings in certain circumstances, even if the parties don't agree (or there is not time to check if they all agree). Removal/detention/shelter hearings have very short timeframes to hold a hearing. It is difficult with short notice to get 6+ attorneys/professionals together for a hearing at the same time the judge can travel to a specific county. Almost all of the juvenile professionals/attorneys cover multiple counties, so specially setting a hearing within 24 hours always causes a scheduling conflict for someone. Parents are sometimes needing to access services (substance abuse or mental evaluation), go to work, are still in jail or don't have time to line up transportation, which denies them any -- let alone meaningful -- participation if they can't appear in person. With the increased use of remote hearings the last year, I have had a tremendous increase in the ability/willingness of incarcerated parents, parents with transportation issues, parents in treatment, kids in distant placements and relatives/suitable persons interested in placement (or supporting the family) to participate meaningfully in hearings. We also frequently have school personnel, therapists,

providers, supportive family/friends and staff at the child's placement participate in the remote hearings because it is less disruptive to the rest of their schedule for the day. I would hate to lose that level of participation. Having the option of phone in addition to video is also essential since video access is a tremendous barrier to most of our juvenile parents (lack of phone/tablet/computer and/or strong wi-fi connection), and many of the child's placements or prisons where parents are held will not allow video connection. As an extra benefit, going forward, remote hearings can be utilized in the instance of inclement weather or illness instead of continuing 15 - 20 hearings to a later date. — *Judge Salic, DAJ 2nd District*

34. Any civil hearing requiring reporting by an official court reporter, scheduled for more than an hour and/or requiring witness testimony, should be held in person unless good cause can be shown as to why videoconferencing is necessary. If a videoconference hearing is granted, certain rules should be adhered to: Strong internet connection available; witnesses appearing by video (not cell phone) on separate devices in separate areas, etc. — *Karla Lester, Court Reporter*
35. It simply depends on the case, the number of witnesses, etc. For shorter hearings this should continue to be an option. In those cases where credibility findings are paramount remote hearings do not work as well. — *Judge Barrows, 7th District*
36. This change needs to be retained. It provides a distinct advantage to clients by avoiding windshield time billed by their attorneys. — *Judge Lloyd, Sr. Judge*
37. For some participants, this is a great benefit - parents or foster parents that are working and it's hard to get away, DHS workers who are located elsewhere can participate rather than having someone cover for them. Videoconference helps with safety and security of parties when there are participants with a tendency toward violence. For parents with significant mental health needs or little understanding of technology, it was more complicated. — *Melinda Zobel, DHS*
38. This should remain for certain case types - particularly civil commitments. Much of Iowa is rural. Many rural hospitals do not have psychiatric ward, consequently, respondents often get transported many miles to a hospital far from their home. Having the hearings by video has greatly decreased the amount of time respondents spend being transported to and from hearings. This benefits not only the respondents, but also the sheriff's departments. — *Judge Rattenborg, DAJ, 1st District*
39. When the attorneys and parties are comfortable with Zoom, it is incredibly useful. I would strongly urge the Supreme Court to allow the trial courts to continue using Zoom or phone in the discretion of the trial judge. When we are short on courthouse space, need a judge or court reporter from far away, one party lives out of county or even out of state, or there is bad weather, it is a useful option. — *Judge Currie, 2d District*
40. I believe this is an option that we should continue to offer. I practice in civil law and I'm usually in the courthouse for judgment debtors'

examinations or hearings on establishing guardianships and conservatorships. Not only does appearing by phone or video save clients attorney's fees but it has allowed other parties who may not have been able to attend hearings in person a chance to participate. Even contested hearings have worked by Zoomgov. — *Virginia Wilber, Trent Law Firm, PLLC*

41. This is a helpful and efficient practice. — *Judge Shepherd, DAJ 7th District*
42. Same comments as above. Remote testimony is not good. — *Deborah Petersen, Petersen Law, PLLC*
43. I believe this should continue, and be encouraged, especially in juvenile and criminal matters. Not one of my clients resisted this idea and most preferred appearing virtually. — *Alexandra Nelissen, Advocate Law, PLLC*
44. Retain. It allows efficient and cost effective access to the court for individuals. — *State Appellate Defender Office, submitted by Martha Lucey*
45. Agree - the new courtroom technology works well. — *Martha Sibbel, Assistant Crawford Co. Attny*
46. I participated in a number of remote trials (one to three days each) during the Covid period. While there were some technology issues, we were able to present witnesses who we never would have been able to have if we were in-person. I am concerned, however, with the quality of the transcript from some of the trials if there had been an appeal, as I am sure there were portions of testimony that were not decipherable by the reporter. — *Donna Miller, Miller, Zimmerman & Evans, PLC*
47. Again I think we should continue this. I think as long as people consent this has been working well. — *Kim Hess, Clerk of Court*
48. The only problem with video conferencing or telephone hearings/trials is that not everyone chooses to use their video during the proceeding. The Court and other participants lose out on body language cues. — *Tina Meth Farrington, Calhoun County Attorney*
49. In general, matters which do not involve fact finding, including mediation, are more suitable for remote hearings in most circumstances for represented litigants. Remote fact finding could pose more challenges, but our experience over the last fourteen months is that whether remote hearings promote or degrade due process depends on the circumstances.

Even for situations where there are no fact determinations and the parties have counsel, remote hearings have their limitations. Some of these limitations are intangible, but potentially critical in the long term. For example, moving to more remote hearings may erode the collegiality and connection between lawyers, and between lawyers and the bench, which is the bedrock of how we practice law in Iowa and fueled in part by the way in which we interact.

Also, more remote hearings may also mean fewer opportunities to settle cases. Over the years, many cases have been settled in the hallways and jury rooms of court houses across this state, a process that is at least partially catalyzed by the face-to-face nature of the interaction. When viewing individual factors most common to Iowa Legal Aid's clients, it is clear that they can cut both ways. We have created a table on the following page to illustrate some examples. [See Iowa Legal Aid chart at page 79.]

The complicated nature of how all of these factors might play out in any particular case suggests caution against adopting overbroad one-size-fits-all policies. Further study is needed to understand the implications and limits with a focus on the most vulnerable litigants and their due process and access to justice rights. Even in matters that might otherwise be considered "small cases," such as FEDs or small claims money judgment actions, it is important to understand that "small" is merely a matter of perspective. These same concerns loom just as large for our clients for whom these matters will potentially result in the devastating outcome of homelessness.

Other issues that may arise not addressed above involve "asymmetry," where one litigant has better access to or mastery of technology that may unduly skew the perception of each side's presentation of facts.

Finally, the importance of access of the public to view nonconfidential court proceedings cannot be understated. Iowa Legal Aid had several situations where reporters covering evictions were told by court staff that they were not allowed to attend video hearings as observers. The transparency and public nature of nonconfidential court proceedings is a fundamental element of due process and the trust our society places in our judicial system. — *Iowa Legal Aid*

50. This has been a good policy and should remain — *Marti Nerenstone, Attorney*
51. Nonjury Trials This is extremely helpful for Plaintiffs and Defendants who are working or out of town, so would be great to keep this! — *Katrina O'Brien, Magistrate Court Attendant*

2. Trial court discretion to conduct nonjury trials or accept specific testimony by videoconference or telephone with the parties' consent.

District courts may conduct any nonjury trial by videoconference or telephone with the parties' consent. District courts may accept any testimony by videoconference or telephone with the parties' consent or when otherwise authorized by law.

Comments

1. Judges should have the discretion to allow video testimony by witnesses (not parties) over the objection of a party. Too many use consent as a sword rather than a shield. — *Chief Judge Drew, 2d District*

2. I like witnesses being able to appear by phone or zoom. Family law trials should always be in person, unless all parties consent. — *Dawn Landon, Sell Law, PLC*
3. Same comments as #1. Although there have been a couple of technical issues, overall the process has worked as well as in-person matters. Again, it saves people the time and trouble of missing a half day or more to travel to/from court and miss work. — *Magistrate Mark Neary*
4. Enjoyed using the videoconferencing for family law cases, trials have worked great. Some glitches but overall very effective and easy. Don't think consent should be mandatory. — *Michelle Lewon, Attorney at Law*
5. Beginning July 1, 2021, I believe that all trials, including bench trials, should be conducted in person and at the courthouse. Without compelling reason to the contrary, parties and witnesses should appear live at trial unless a statutory exception applies. — *Mike Carmony, Carmony Law Firm*
6. Agree. It will help with scheduling since experts won't have to take an entire day off to attend a half hour of testimony. We already have some defendants or parents appear in court hearings from prison. Instead of having to pay to bring them to our county, house them, and return them, we have them attend remotely. Also helps with people who have to be in court in multiple counties in the same d — *Mark Strugeon, Court Reporter*
7. I believe having an entire trial is difficult over videoconferencing and would prefer to have in-person non-jury trials. However, I would support allowing videoconference testimony to be allowed as it has opened the door to additional witnesses for cases who may live far away, etc. — *Victoria Noel, Noel Law Firm, PC*
8. This has been extremely beneficial for myself personally as a DHS worker. It is very difficult to allocate time in different counties for in person testimony. Video testimony allows for a more convenient & less time consuming experience. Furthermore, video court allows for no mask which also makes it easier to understand people. — *Ashley Gross-VanGorden, Social Worker 3*
9. I believe that the phrase "with the parties' consent" is the most important here. If everyone agrees, this is a good option. — *Philip De Koster, De Koster & De Koster*
10. Agree, if equipment minimums are required and prehearing distribution of exhibits is required or electronically uploaded for easy retrieval and use. We participated in a multiple day hearing where the other side had not done a good job prepping witnesses to use digital technology. But again the cost and time saving outweighed all of the logistical issues. Witness and exhibit presentations were effective. — *Libby Nelson, VP, General Counsel, Kemin Indust.*
11. Also very useful and should continue. — *Jennie Wilson-Moore, Wilson Law Firm*

12. We have conducted many juvenile hearings including termination of parental rights hearings via video conferencing. It has been very useful. Our Pre-Pandemic Juvenile Court Service morning was packed with people, and since that time we have conducted the vast majority upwards of 80% of the hearings remotely. Review hearings and stipulated adjudication hearings have for the most part been completed in writing. — *Steve Cooper, Asst. Dallas Co. Attny*
13. Excellent plan! — *Andrew Lietaow, Iowa Landlord Assoc.*
14. The ability to have out of State witnesses, especially expert witnesses, testify via video-conference would be invaluable to both criminal and civil trials. Video-conferencing capabilities would also be a valuable tool in Child-In-Need-of-Assistance cases as well as mental and substance commital hearings. — *Sara Davenport, Jackson County Attorney*
15. Please maintain. Everyone has now figured out how to make this work, and this saves on travel and waiting time. For a long time it's seemed like this should be possible, and now thanks to the pandemic we know it is. — *Austin Peiffer, AG & Business Legal Strategies, An Uncommon Law Firm*
16. I participated in a non jury trial on a dissolution where one party & attorney was present via Zoom and one party & attorney was present in the courtroom. The problem with this was the parties on Zoom kept freezing and we lost connection several times so it delayed the trial process. The parties ended up having to schedule another day to finish the trial because it was only set for one day. — *Jeannine Leibold, Judicial Specialist II*
17. If parties consent to video conference that is fine. Both parties have to consent to that. — *Traci Harper, Judicial Specialist IV*
18. Comments here would be the same as above: I do not agree with this at all. Many parties and attorneys appear via videoconference and do not seem to understand that they are in a court proceeding. . . . — *Beverly Bleigh, Court Reporter*
19. Again, video conferences have been useful and efficient for parties, witnesses, and attorneys. I would like to see this practice continue for nonjury trials when the parties consent. — *Patricia Meier, Midey, Erdahl, Meier & Araguas, PLC*
20. This should be kept - particularly when the parties are in agreement. I would also encourage the court to consider adopting when such testimony can be ordered over a party's objection - i.e. a witness who lives out of state. I also would encourage the court to adopt or outline best practices. My experience was that some judges would send out their own orders - i.e. that witnesses had to be alone in a room, that the camera had to be on, etc. — *Anjela Shutts: Whitfield & Eddy Law, PLC; ISBA; ATJ Commission*
21. Keep, being a clerk, this process has been working out. We have now found out that a defendant has an easier time appearing by phone or video, than having to come into court. They are still able to stay at

their jobs and still attend court. We know this can be done and proven to work. Why would we move backwards in time instead of going forward with the full use of technology at our disposal. I have also heard attorney's say they enjoy it too. — *Alysia Beam, Judicial Specialist IV*

22. I would like to see this continue after the pandemic as well. — *Jeannette Keller, Bowman, DePree & Murphy*
23. Nonjury trials, as they are required to be reported by an official court reporter, should be held in person unless good cause can be shown as to why videoconferencing is necessary. If a videoconference hearing is granted, certain rules should be required to be adhered to: Strong internet connection available; witnesses appearing by video (not cell phone) on separate devices in separate areas, etc. — *Karla Lester, Court Reporter*
24. This change allows flexibility for parties who may want to limit costs, particularly for out-of-state experts. — *Bruce Braley, Leventhal, Puga, Braley PC (Colorado)*
25. Similar to #1. Both the plaintiff and defendant deserve to face the other party. It is unacceptable that several people clog an attorney's conference room when the courtrooms are of quite sufficient size to accommodate all. Video/audio capabilities vary greatly. We had a remote deposition that should have taken 10 minutes that took over an hour due to technological difficulties. — *Janine Sulzner, defendant in civil case & retired co. auditor*
26. I believe this should also stay based on the same reasons given in #1: It saves judicial resources in terms of time and energy and also is beneficial to lawyers who can appear in different courts at different times without taking the time to travel. — *Chief Judge Greve, 7th District*
27. Absolutely (See #1): this is ideal for most temporary hearings, CINA hearings and other hearings such as criminal and civil pretrial conferences. Additionally, having witnesses from other jurisdictions that would have otherwise been unable to travel has been invaluable. — *DeSjhawn Bird-Sell, Sell Law, PLC*
28. Again this has allowed more people to access the courthouse. I've had protected persons in guardianships who aren't mobile be allowed to participate by video. I've seen an increase in participation by debtors in judgment debtors' examinations. I've seen parties who would have had to spend time and money to travel, be allowed to participate by video or phone. — *Virginia Wilber, Trent Law Firm, PLLC*
29. Typically acceptable. Difficult for custody trials. — *Elizabeth A. Rosenbaum, PC*
30. I suppose my earlier comment applies here too. Not just testimony, but some hearings are easily done virtually and the court should have discretion to do so. — *Kiimberly DePalma SPD*
31. This practice should be continued. — *Jonah Dyer, JHD Law*

32. As noted above, It simply depends on the case, the number of witnesses, etc. For shorter hearings this should continue to be an option. In those cases where credibility findings are paramount remote hearings do not work as well. — *Judge Barrows, 7th District*
33. See comments to #1. (Particularly for juvenile hearings, it would be helpful if the judges could continue to allow remote hearings in certain circumstances, even if the parties don't agree) — *Judge Salic, DAJ 2nd District*
34. I believe there are distinct advantages to keeping this option, convenience to witnesses, especially experts, and their willingness to testify. — *Kenneth Duker SPD*
35. I believe this creates more of a burden on the Court when it's forced to judge candor, bias, truthfulness, etc., through electronic means. — *Kara Sullivan, CSR, RPR, 7th District*
36. I strongly support this continued practice. It is difficult to over state the vast improvement in providing judicial service to stake holders arising out of Zoom. We are now able to virtually appear in multiple counties in the same day. This was rarely possible in the old system. Our efficiency has skyrocketed. — *Judge Werling, 7th District*
37. Also helpful and efficient. When all parties consent, they should be given this option. — *Judge Shepherd, DAJ 7th District*
38. I echo what I wrote above, but I ask that the trial courts be given discretion to decide to hold nonjury trials by videoconference or phone even over a party's objection in a particular case. The trial judge should decide what is appropriate under the circumstances. If both parties consent, I strongly urge the Supreme Court to continue this practice. — *Judge Currie, 2d District*
39. Video yes, telephone is not as effective for testimony. — *Judge Rattenborg, DAJ, 1st District*
40. See comment to 1. This needs to be retained. — *Judge Lloyd, Sr. Judge*
41. While I do not object to the permissive nature of the policy/rule, the use of the term "may" suggests I will not likely opt to utilize video for testimony. — *Judge Dalrymple, 1st District*
42. We are mostly back in person, but want to retain committal hearings via teleconference because there are so many parties involved and the Respondent is generally at a hospital. — *Katrina O'Brien, Magistrate Court Attendant*
43. I think this should be continued for as many types of hearings as possible. We have problems with the number of court appointed attorneys who are willing to work in our counties. Making it easier for them to appear for hearings has helped us keep these attorneys on our contract list. It is also helpful for people who have transportation issues. — *Kim Hess, Clerk of Court*

44. I practice primarily in family law in the 5th Judicial District. But, because of the prevalence of remote hearings, etc. I was able to assist clients outside 5C more frequently than I would normally have done. The reduction in travel time and expense was especially welcome for short hearings or conferences that lend themselves perfectly to the remote process. — *Donna Miller, Miller, Zimmerman & Evans, PLC*
45. Agree — *Martha Sibbel, Assistant Crawford Co. Attny*
46. This rule should be retained for use in postconviction relief proceedings. It allows efficient use of time and resources for participants who are not local. It may also provide better access to the court for incarcerated individuals. — *State Appellate Defender Office, submitted by Martha Lucey*
47. I strongly believe this should continue. It is more efficient, more manageable, and resulted in significantly more communication prior to the hearings, which previously had been lacking, in my personal opinion. — *Alexandra Nelissen, Advocate Law, PLLC*
48. Video hearings and trials within reason are workable and allowing witnesses to appear and testify by Zoom or GoToMeeting should be allowed to continue. I was able to avoid continuances quite often because of my ability to have a party or a witness appear virtually versus doing it by phone. The new video technology in the courtrooms has really moved into a new dimension or century. We have been able to bring many staff and judges into a new level of comfort with technology and we should continue to take advantage of that. — *Judge Neary, 3rd District*
49. When feasible, but that needs a definition. Some legal issues and argument are ok in this matter. And, parties should be allowed to request in person hearings. The ability to assess responses, facial expressions and credibility are seriously jeopardized. There is also the possibility of "coaching" that is not visible. In person testimony is always best! — *Deborah Petersen, Petersen Law, PLLC*
50. Allowing parties to consent to remote conferencing is beneficial when there are barriers to in-person testimony. Consent helps to balance out many of the conflicting factors we list above. The rule set forth by the Court twenty years ago in *In re Rutter*¹ is that in civil cases, remote testimony can only be allowed if the parties consent or if provided for by statute, but even then courts may still choose to require in person testimony. — *Iowa Legal Aid*

Scheduling

3. Scheduling. Judicial districts shall schedule in-person hearings and trials so as to comply with safety protocols established by state court administration, e.g., required social distancing. For example, this may necessitate limits on the number of hearings scheduled in a given time period or the allocation of specific time slots.

Comments

1. I think this needs to go on for a while, until most people are vaccinated, while doing jury trials. It gives the public a sense of safety. No one feels comfortable sitting right next to someone they don't know as of yet. Our court administration has done a wonderful job in assigning time slots. — *Alysia Beam, Judicial Specialist IV*
2. Should be assessed per the needs of each county. — *Judge Shepherd, DAJ 7th District*
3. The in-person hearings I have had have complied with safety protocols. — *Michelle Lewon, Attorney at Law*
4. "Cattle calls" which were typical for initial appearances and criminal trials have been eliminated. Should in-person matters resume, there is not physical space within any courtrooms to handle the number of people that we deal with by zoom/telephone. — *Magistrate Mark Neary*
5. Agree. — *Libby Nelson, VP, General Counsel, Kemin Indust.*
6. I believe the Court system should continue to follow the CDC guidelines. — *Kenneth Duker SPD*
7. I believe the CDC has now said social distancing does nothing to stop the spread. — *Kara Sullivan, CSR, RPR, 7th District*
8. I agree with this proposal. — *Judge Werling, 7th District*
9. I do not feel this remains necessary. — *Judge Dalrymple, 1st District*
10. Retain until no longer necessary per CDC guidelines. — *Judge Barrows, 7th District*
11. Agree — *Elizabeth A. Rosenbaum, PC*
12. I think the scheduling was done with great thought and it worked well. — *Cindy Elgatian, JCO III, 7th District*
13. As of this date, every person in Iowa who wishes to be vaccinated against Covid has received at least one vaccine. In our state, this pandemic is effectively over. By July 1, 2021, there could be no possible legitimate need to continue imposing "safety protocols" upon persons involved in court proceedings. — *Mike Carmony, Carmony Law Firm*
14. Makes sense. — *Andrew Lietaow, Iowa Landlord Assoc.*
15. I believe that scheduled time slots is much better than the "cattle call" system employed in many counties I practice in; not only for COVID safety reasons but for others, as mentioned in #1, above. Requiring in-person hearings for matters that can be done on paper is cumbersome to my clients for those same reasons. — *Christine Sand, Wild, Baxter, & Sand, PLC*
16. Yes, this should remain. — *Chief Judge Greve, 7th District*

17. A hybrid of in person and video would work. — *Martha Sibbel, Assistant Crawford Co. Attny*
18. The most important consideration is the need for both uniformity and flexibility to establish expectations, yet allow for courts to adapt to the specific needs at a specific time. — *Bruce Braley, Leventhal, Puga, Braley PC (Colorado)*
19. I believe this is an important rule to continue. — *Sarah Hradek, Assistant SPD*
20. I think whatever we can do to eliminate the large "cattle call" court situations should be continued. Even without social distancing, this also assists with security issues. — *Kim Hess, Clerk of Court*
21. This rule should be retained at least until the end of December 2021 and possibly through 2022. The spread of the Covid-19 virus still poses a significant danger. — *State Appellate Defender Office, submitted by Martha Lucey*
22. It is my personal opinion, based upon my experience in the last year, that conducting as many hearings and trials as practicable virtually is better practice. Clients are more likely to participate, it reduces the amount of time clients have to miss work, or school, there is less down time and less wasted resources, and it frankly forces attorneys to prepare their cases prior to a hearing and communication increased between all parties. — *Alexandra Nelissen, Advocate Law, PLLC*
23. This is fine. If the system is more organized and attorneys communicate their needs to courts ahead of time, this should not be a problem — *Deborah Petersen, Petersen Law, PLLC*
24. We have not run into any problems with this. I am happy to see the "cattle call" scheduling model go away. — *Tina Meth Farrington, Calhoun County Attorney*
25. Again, the courthouses I have visited while a county auditor are all of sufficient size to accomodate all parties that need to be present. In my experience safety protocols have been followed, and quite frankly as a county auditor we served our citizens safely and efficiently all during 2020, even conducting elections, while the court system (and some county offices) essentially "shut down" and took "refuge" in their taxpayer funded bubble. — *Janine Sulzner, defendant in civil case & retired co. auditor*
26. I agree the scheduling should continue to keep the numbers down, mainly because the new procedures have increased court efficiency and keep the court calendar on schedule. This also reduces attorney fees for clients. — *Victoria Noel, Noel Law Firm, PC*
27. Please maintain. — *Austin Peiffer, AG & Business Legal Strategies, An Uncommon Law Firm*
28. Given the low percentage of fully vaccinated people in Iowa, and the emerging variants of the coronavirus around the world, I think it is

prudent to keep these safeguards in place for now. — *Patricia Meier, Midey, Erdahl, Meier & Araguas, PLC*

29. More time needs to be added for each hearing because of technical difficulties of parties/attorneys being dropped from calls or parties not knowing how to use the technology, even as simple as unmuting themselves. I believe most hearings are taking an additional 10 to 15 minutes due to technical problems. — *Beverly Bleigh, Court Reporter*
30. Conducting hearings remotely or by stipulated orders has required a shift in thinking for social workers and attorneys to plan ahead and have good contact information for clients. I have tried 4 jury trials to verdict since February, 2021 - with social distancing and a secondary location to accommodate social distancing. The secondary location is slightly inconvenient, but normally it works that we break for lunch once jury selection is over. — *Steve Cooper, Asst. Dallas Co. Attny*
31. I feel that in person hearings of this nature lack the personability that one would experience in a regular hearing & are better to be done by video. —
32. I would agree with continuing this. Until we have herd immunity with the COVID-19 vaccine, we still need be cautious. — *Virginia Wilber, Trent Law Firm, PLLC*
33. The use of specific time slots for hearings is a major benefit. Cattle call scheduling, used in some counties for FEDs, require parties and attorneys to spend more time than necessary to get a case heard. If more than one hearing has to be scheduled for a specific time slot, that is better than scheduling all hearings at the same time. This is especially true for remote hearings, have proven even more chaotic than in-person when scheduled as cattle calls. NCSC's current Remote Hearing Bench Guide (fn2) suggests that preliminary findings show remote hearings take somewhat longer than in-person hearings. — *Iowa Legal Aid*
34. If we are able to continue to have hearings by phone/video, this is not as necessary. — *Jennie Wilson-Moore, Wilson Law Firm*
35. I think some hearings are best in person, ie: juvenile hearings. — *Shawn Lucas, JCO III*

Personal Protective Equipment

4. Face masks. Pursuant to CDC guidelines, courts shall require everyone entering court-controlled areas to wear disposable, surgical masks or cloth masks covering the nose and mouth, and to wear them correctly and consistently while in court-controlled areas. A face shield is only an appropriate substitute for a mask when speaking during a trial or evidentiary proceeding. Exceptions to wearing face masks may be considered by judges

upon request on an individualized basis. This paragraph replaces II (a) of the supreme court's July 9, 2020 order.

Comments

1. Face masks have been proven to not be effective deterrents for the virus. It is hard to understand people as it is, let alone with a face covering muffling the testimony and the reporter not being able to see someone's lips moving. — *Kara Sullivan, CSR, RPR, 7th District*
2. That's fine. — *Andrew Lietzow, Iowa Landlord Assoc.*
3. The main concern is effective communication with the court and the jury. Social distancing and uniform precautions are effective, but where possible, speaking without masks post-vaccination should be considered. — *Bruce Braley, Leventhal, Puga, Braley PC (Colorado)*
4. We should follow all CDC guidelines and use masks or face shields (if in trial), until and unless the CDC guidelines are changed. — *Chief Judge Greve, 7th District*
5. I think that consideration should be given to those who can provide proof of vaccination. — *Christine Sand, Wild, Baxter, & Sand, PLC*
6. The early implementation and supplying of this equipment was good and assisted everyone. I also feel like it made everyone feel safe. — *Cindy Elgatian, JCO III, 7th District*
7. I absolutely hate this for criminal trials. I believe that having a defendant in a mask gives the jurors a predisposed notion of guilt. I cannot wait to ditch the masks for the defendants. — *DeShawne Bird-Sell, Sell Law, PLC*
8. Agreed — *Elizabeth A. Rosenbaum, PC*
9. I would like this to continue indefinitely until the health and safety of all participants can be assured. — *Jeannette Keller, Bowman, DePree & Murphy*
10. Retain until no longer necessary per CDC guidelines. — *Judge Barrows, 7th District*
11. Again, I do not feel this remains necessary. — *Judge Dalrymple, 1st District*
12. If someone is obviously ill, it would be beneficial to have the explicit authority be able to direct them to wear a face covering during a hearing. — *Judge Salic, DAJ 2nd District*
13. With vaccines now in wide-spread availability, this restriction should be lifted. — *Judge Shepherd, DAJ 7th District*
14. Wear the face mask, office sicknesses have also been down with people having to wear face mask. Especially the public coming into the courthouses should have to wear a face mask. — *Alysia Beam, Judicial Specialist IV*

15. Since we do not know who has been vaccinated or who has not, keeping this procedure in place for the time being seems responsible. — *Justin Walker, CSRU*
16. I vigorously oppose any continuing requirement to wear face coverings after July 1, 2021. By that date, everyone will have had the opportunity to become fully vaccinated. Trials and court hearings are all about communication, and communication between human beings involves hearing what has been said, and observing and interpreting a person's facial expression. Masks and shields create a real detriment to both aural and visual communication. — *Mike Carmony, Carmony Law Firm*
17. I believe the Court system should continue to follow the CDC guidelines. — *Kenneth Duker SPD*
18. From what I have seen, jurors have been allowed to wear face shields during jury selection. This should not be allowed, jurors should wear masks. — *Kiimberly DePalma SPD*
19. Agree. Masks will continue to protect against variants until there are booster shots or more people are vaccinated. — *Libby Nelson, VP, General Counsel, Kemin Indust.*
20. People have generally been compliant with masking. — *Magistrate Mark Neary*
21. This has been fine. — *Michelle Lewon, Attorney at Law*
22. With so many of the court staff and participants being immunized or immune, it would be nice if this requirement could end or be optional with social distancing — *Priscilla Forsyth, Attorney at Law*
23. I'm fully vaccinated and with proper social distancing i see no need for face masks. — *Shawn Lucas, JCO III*
24. I have no issue wearing a mask. It makes is slightly harder to hear but that is easily overcome by increasing volume and a sound system. I haven't had any issue with a juror saying they couldn't hear me during trial. I believe this requirement should continue for the near future, and the Court should consider having potential jurors show they have been vaccinated prior to stopping distancing and masking. I hope remote options and masking continue — *Steve Cooper, Asst. Dallas Co. Attny*
25. I agree with the continuation of mask use or discontinuation with guidance from the CDC. I believe whether or not this is mandated should be determined by the CDC and followed by the courts. — *Victoria Noel, Noel Law Firm, PC*
26. I would agree with continuing this. Until we have herd immunity with the COVID-19 vaccine, we still need be cautious. Sometimes the parties need to be extra conscientious of speaking loudly and clearly for the court reporters but I have not seen masks be an obstacle to testifying or questioning witnesses. — *Virginia Wilber, Trent Law Firm, PLLC*

27. I do believe video does better in this regard as parties do not need to wear a mask & are better able to announce. — *Ashley Gross-VanGorden, Social Worker 3*
28. To our surprise, clear face shield were acoustically worse than surgical masks in that they had greater muffling of sound. Also, and this was a total surprise, clear masks reflect ceiling light causing Reporters to get migraines, which is an endemic problem of the profession. Surgical masks were much more sound transparent. — *Judge Werling, 7th District*
29. I would like to see use of face masks continued until COVID is no longer a safety concern, whenever that might be. — *Sarah Hradek, Assistant SPD*
30. We need to move face shields for everything. Masks are a terrible hinderance to court reporters, judges, parties, and witnesses. So hard to hear and to see faces to judge credibility. — *Dawn Landon, Sell Law, PLC*
31. I assume now that vaccinations are readily available, this will no longer be necessary. — *Philip De Koster, De Koster & De Koster*
32. I am thankful my employer has chosen this safer policy during this pandemic and have strived to not only personally follow it, but to enforce it to those who come onto our floor of the courthouse. That said, now that the CDC has changed its policies, especially if more people were to get vaccinated, I would welcome the opportunity to not have to deal with the masks OR shields. — *Mark Strugeon, Court Reporter*
33. Given the low percentage of fully vaccinated people in Iowa, and the emerging variants of the coronavirus around the world, I think it is prudent to keep these safeguards in place for now. — *Patricia Meier, Midey, Erdahl, Meier & Araguas, PLC*
34. Face masks can make it difficult to understand what is being said at times. However, if the continued use of face masks would allow for a decrease in physical distance requirements and allow more matters to be brought back to the courtroom (such as jury selection) masks can be tolerated. — *Sara Davenport, Jackson County Attorney*
35. I do not believe PPE is necessary. It is my understanding the CDC has recently stated masks are not helpful and not necessary. I personally do not wear one anywhere except the doctor's office, if required. I do have doctors that do not require them. — *Beverly Bleigh, Court Reporter*
36. The governor has lifted the mask mandate and I feel like there is no need for them. — *Traci Harper, Judicial Specialist IV*
37. I assume this is now moot with the May 14 Supreme Court Order. With continued social distancing procedures in place in the courtrooms, it would be helpful if all witnesses and attorneys could remove their masks to testify if they feel comfortable doing so. — *Karla Lester, Court Reporter*

38. While the CDC now says vaccinated people can go unmasked, since courthouses are places where people gather involuntarily, including people who cannot be vaccinated because of medical conditions or age, I would not oppose continuing the mask mandate. — *Austin Peiffer, AG & Business Legal Strategies, An Uncommon Law Firm*
39. The use of face masks and face shields is appropriate, as per CDC guidelines. — *Janine Sulzner, defendant in civil case & retired co. auditor*
40. I believe face masks and/or coverings should be optional. — *Amanda Ahrenstorff, DHS, Child Protection Worker*
41. This should remain - there are people who aren't vaccinated and if we don't know who they are, it's a problem — *Marti Nerenstone, Attorney*
42. I did not feel face shields were a sufficient substitute for masks from a safety perspective. — *Donna Miller, Miller, Zimmerman & Evans, PLC*
43. I will comply with the court's orders regarding masks, but I don't think the Court can ask about vaccinations from HIPAA. — *Martha Sibbel, Assistant Crawford Co. Attny*
44. This rule should be retained until a larger percentage of the population, including children, have been vaccinated. However, the May 14, 2021 Order rescinded this rule for fully vaccinated individuals. — *State Appellate Defender Office, submitted by Martha Lucey*
45. Personally I will continue to use these items, due to family health issues, but believe the requirement should follow recommended CDC guidelines. — *Alexandra Nelissen, Advocate Law, PLLC*
46. I don't have problems wearing a face mask. A face shield is a problem for me because of my eye sight. Things become blurry and that causes head aches and dizziness. Our court room is set up with plexiglass barriers, so witnesses can remove their face coverings while testifying. — *Tina Meth Farrington, Calhoun County Attorney*
47. The current CDC and SC guidelines have changed this. It is very difficult and sometimes impossible to understand what is being said. The court rooms need to all be better equipped for sound. — *Deborah Petersen, Petersen Law, PLLC*
48. This has already been changed. — *Kim Hess, Clerk of Court*
49. The new CDC guidelines, with new order from Chief Justice Christensen dated May 14, 2021 that allow those who are fully vaccinated to not wear masks is extremely prejudicial to those that are not vaccinated for whatever reason. For example, I am not vaccinated due to medical reasons and I feel singled out having to wear a mask. I feel you should have ALL wear masks or ALL not wear masks. — *Katrina O'Brien, Magistrate Court Attendant*

5. Use of face shields during in-person proceedings. Pursuant to IV (e) of the supreme court's July 9, 2020 order, courts shall provide transparent face shields (enabling a full view of the face) to all persons speaking during evidentiary hearings and trials, including the judge, attorneys, and witnesses. During in-person proceedings participants shall wear the transparent face shields as directed by the court throughout the proceedings. Courts may instruct participants to take home the face shields at the end of each day for cleaning, and to bring them back for the next day's proceedings.

Comments

1. I think face shields turned out to be less effective than masks and with other social distancing and barrier techniques, masks were more effective if they could be removed safely when needed for clearer communication. — *Bruce Braley, Leventhal, Puga, Braley PC (Colorado)*
2. Yes, this should remain as stated in #4: We should follow all CDC guidelines and use masks or face shields (if in trial), until and unless the CDC guidelines are changed. — *Chief Judge Greve, 7th District*
3. In most courtrooms, the witness stand is sufficiently far away from any other party, as is the court reporter's table and the bench. Many courts are not requiring the use of face shields, so long as there is a significant distance between the witness and
4. parties, which seems reasonable - with disinfection of the witness box after each witness testifies. — *Christine Sand, Wild, Baxter, & Sand, PLC*
5. Agreed — *Elizabeth A. Rosenbaum, PC*
6. Retain until no longer necessary per CDC guidelines. — *Judge Barrows, 7th District*
7. Again, I do not feel this remains necessary. — *Judge Dalrymple, 1st District*
8. See 4 above. Face shields are not the best method of protection nor best tool for sound transmission in a recorded proceeding. — *Judge Werling, 7th District*
9. No problem. — *Andrew Lietaow, Iowa Landlord Assoc.*
10. Not as effective as a mask. Perhaps court rooms can increase the air exchange or install UV C lights to kill viruses but better than no mask at all. Clear masks are on the market and this might be a better alternative than a face shield. — *Libby Nelson, VP, General Counsel, Kemin Indust.*
11. I would think we can have a plan for an end-date for these requirements, given availability of vaccines. — *Judge Shepherd, DAJ 7th District*

12. This has not been successful. A few trials have used face shields, but it has been difficult to hear people clearly through them, and people wearing glasses have been unable to read without taking off the shields. — *Magistrate Mark Neary*
13. Face shields present challenges, especially for one who talks with hands. Hard to communicate to someone next to you, but it works. — *Michelle Lewon, Attorney at Law*
14. Please see my response to #4 above. Beginning July 1, 2021, face coverings should NOT be permitted to be worn in court proceedings, without advance court approval upon a showing of good cause. — *Mike Carmony, Carmony Law Firm*
15. If we have to wear a face covering i'll wear a mask. — *Shawn Lucas, JCO III*
16. I have been wearing both a sheild and mask during jury trials and the sheild makes it harder to hear me than a mask because it redirects the sound of my voice. I'm not sure it makes it any easier for the court reporter, either, but I think it should be left up to the discretion of the judge in cosultation with the court reporter on how best they can make a clean record. — *Steve Cooper, Asst. Dallas Co. Attny*
17. I do not believe face shields are appropriate or helpful. They are cumbersome and awkward. However, I would like the court to defer to CDC guidelines. — *Victoria Noel, Noel Law Firm, PC*
18. don't have experience with face shields because my witnesses were able to testify successfully with masks. Otherwise my 1 and 2 days trials were by Zoomgov and we didn't need masks unless you were in the same room with a client or witness. — *Virginia Wilber, Trent Law Firm, PLLC*
19. I feel that this leaves a lot of room for error — *Ashley Gross-Van Gordon, Social Worker 3*
20. I think face shields give a false sense of safety as they have been found not to be very effective in this pandemic. As long as other CDC guidelines are followed for wearing masks when not speaking and keeping social distancing intact, face shield should be allowed. — *Kenneth Duker SPD*
21. See the comment above: Face masks have been proven to not be effective deterrents for the virus. It is hard to understand people as it is, let alone with a face covering muffling the testimony and the reporter not being able to see someone's lips moving. — *Kara Sullivan, CSR, RPR, 7th District*
22. Lift the mask and face shield mandate. — *Traci Harper, Judicial Specialist IV*
23. While face shields allow for viewing one's full face they are actually harder to hear through than face masks. — *Sara Davenport, Jackson County Attorney*

24. I assume that vaccinations are readily available, this will no longer be necessary. — *Philip De Koster, De Koster & De Koster*
25. This is fine. — *Austin Peiffer, AG & Business Legal Strategies, An Uncommon Law Firm*
26. Again, appreciate this policy, look forward to not needing it. This hasn't always been followed uniformly by the Judges I've worked with, to my chagrin. Many attorneys and some officers didn't like this policy and purposefully didn't return with the mask they were given, requiring multiple masks be given to them — *Mark Strugeon, Court Reporter*
27. Same as above for masks as face shields are also problematic for reporting verbatim testimony as they muffle the sound. — *Karla Lester, Court Reporter*
28. This is a good practice so long as face shields are allowed during testimony. I note the studies showing that face shields are really not effective at preventing the spread of the virus, so perhaps face shields could be eliminated and testimony by people who are not fully vaccinated should be allowed only by video or with extra social distancing and plexiglass barriers. — *Patricia Meier, Midey, Erdahl, Meier & Araguas, PLC*
29. If we must take precautions in court, the face shield, in my opinion, is a far better option than the masks. — *Beverly Bleigh, Court Reporter*
30. The use of transparent face shields is appropriate for court proceedings, if deemed appropriate by the CDC for whatever current health situation arises. — *Janine Sulzner, defendant in civil case & retired co. auditor*
31. yes! [Comment to no. 4 is in favor of face shields over masks.] — *Dawn Landon, Sell Law, PLC*
32. I believe face masks and/or coverings should be optional. — *Amanda Ahrenstorff, DHS, Child Protection Worker*
33. I did not feel face shields were a sufficient substitute for masks from a safety perspective. — *Donna Miller, Miller, Zimmerman & Evans, PLC*
34. Already changed. — *Kim Hess, Clerk of Court*
35. I think it should be up to the person if they use a mask or shield. — *Martha Sibbel, Assistant Crawford Co. Attny*
36. See paragraph 4 comment. (This rule should be retained until a larger percentage of the population, including children, have been vaccinated. However, the May 14, 2021 Order rescinded this rule for fully vaccinated individuals.) — *State Appellate Defender Office, submitted by Martha Lucey*
37. Personally I will continue using face coverings/shields, but think this should be per CDC recommendations. — *Alexandra Nelissen, Advocate Law, PLLC*

38. Face shields are better than masks. — *Deborah Petersen, Petersen Law, PLLC*
39. These just don't work for me. See answer to previous question. (Cause headaches and dizziness; court room has plexiglass barriers.) — *Tina Meth Farrington, Calhoun County Attorney*

Criminal Cases

6. Initial appearances. Through June 30, 2021, magistrates and other judicial officers may conduct initial appearances by videoconference or telephone. As before, the defendant may waive initial appearance by executing a written waiver that provides the information that the defendant is entitled to receive at the initial appearance. See Iowa R. Crim. P. 2.2(1)-(4)(a). Through June 30, 2021, written waivers of initial appearance need not be under oath.

Comments

1. I would say keep this practice. — *Alysia Beam, Judicial Specialist IV*
2. That's fine. — *Andrew Lietzow, Iowa Landlord Assoc.*
3. This should continue. Many have been doing it by phone for years with no problems. — *Chief Judge Drew, 2nd District*
4. Initial appearances is a place where there is a danger of "cattle call" groups of people. It makes sense that we continue to conduct initial appearances by videoconference or telephone to save time and avoid too many people being in one place at one time. In addition all the counties/jails in our district have significantly increased their ability to handle remote videoconferencing, often at a large expense. We need to be sensitive to that. — *Chief Judge Greve, 7th District*
5. I believe that this should be implemented on a regular basis. Again, my clients struggle with taking time off work to appear in person, finding transportation, etc. — *Christine Sand, Wild, Baxter,& Sand, PLC*
6. I think this was particularly helpful for MCCs in Juvenile Court. They tend to be short in duration and it saved everyone having to travel for those few minutes. Also if there were more than one Zoom was set up for the waiting rooms which was also helpful as everyone could wait or meet with their own parties separately. — *Cindy Elgatian, JCO III, 7th District*
7. LOVE this. Believe it should continue. — *DeShawne Bird-Sell, Sell Law, PLC*
8. This practice should be continued indefinitely. — *Jonah Dyer, JHD Law*
9. Retain. — *Judge Barrows, 7th District*

10. Given the distance from the jail to the courthouse, I believe this is a useful change. — *Judge Dalrymple, 1st District*
11. This should become permanent. It allows judges/magistrates to conduct initial appearances from any location. Again, very effective for rural areas. — *Judge Rattenborg, DAJ, 1st District*
12. This is efficient and should be extended. — *Judge Shepherd, DAJ 7th District*
13. The use of zoom technology in Magistrate proceedings had also been a vast improvement in ability to conduct proceedings and increased safety in that a Magistrate does not have to be in the physical presence of a defendant or litigant. No transportation of prisoners to court is needed. Much safer for our law enforcement partners! — *Judge Werling, 7th District*
14. I believe this is a measure that should be kept as it saves on resources and can expedite hearings. — *Kenneth Duker SPD*
15. I believe that this should be a permanent change to eliminate the large number of people gathered in a small space, and to save people the time to travel to/from the courthouse and miss extended periods of work. — *Magistrate Mark Neary*
16. This has been helpful in reducing the strain on our jail in reducing the number of people who must be held overnight for initial appearances. We are also able to coordinate initial appearances if someone is being held in another county jail and avoiding transportation to our county for an initial appearance. — *Sarah Hradek, Assistant SPD*
17. Videoconference initial appearances provide speedy contact with a magistrate while also preserving the ability of the magistrate to see the non-verbals from the defendant and respond accordingly. They should continue to be authorized. Telephone initial appearances should be discouraged but allowed in situations where an in-person or videoconference initial is not available within 24 hours of arrest. — *Sarah Rothman, Rothman Law Office*
18. Pre-hearings for juveniles, where not much really gets done, makes sense to have via zoom. Adj./ dispo. Hearings are best held in person. — *Shawn Lucas, JCO III*
19. I hope many of these hearings continue to be done remotely and/or in writing. There is no reason the jail should be transporting folks to the courthouse for an initial appearance. With a little coordination with the jail the process can be completed remotely including getting a financial affidavit completed for applying for counsel. — *Steve Cooper, Asst. Dallas Co. Attny*
20. This should continue. it's a time and money saver — *Mark Strugeon, Court Reporter*
21. Appearances by video conference for those in custody have gone well. Especially given the difficulty in some locales to acquire resident magistrates. I do not think written initial appearances are effective -

do defendants really understand their rights? Perhaps the citations can be modified to include a "zoom" link for all initial appearances, which might also cut down on the number of no shows due to lack of transportation. — *Sara Davenport, Jackson County Attorney*

22. I believe this has been extremely helpful and useful. I would absolutely want this to continue. — *Jennie Wilson-Moore, Wilson Law Firm*
23. This is wonderful! Keep going! — *Dawn Landon, Sell Law, PLC*
24. As an attorney I believe keeping this process in place would serve the attorneys, court, and mostly the Defendants. Anytime we can proceed virtually it is more likely that Defendant's will appear and saves time for all those involved. — *Alexandra Nelissen, Advocate Law, PLLC*
25. This has saved a lot of time on the road for our deputies. Our county does not have a jail, and we contract with another county. Our sheriff also recieved a Cares Act grant that was used to purchase a computer with video capability for the appearances for our prisoners at the jail. I do not believe that any defendants have used the written waiver, unless they are represented by an attorney. — *Tina Meth Farrington, Calhoun County Attorney*
26. This created some confusion but it ended up being a great asset for those court-appointed attorneys from out of town that have defendants with numerous cases and a new case comes up. This could be continued with some clarification that it can be for any case or only for simples or only for indictables, etc. — *Katrina O'Brien, Magistrate Court Attendant*
27. I agree with continuing videoconference initial appearances. — *Martha Sibbel, Assistant Crawford Co. Attny*
28. We love this and want to be able to continue. Again, we want to eliminate the "cattle call" appearances. — *Kim Hess, Clerk of Court*
29. Retain. In many counties, initial appearances for defendants in jail have been conducted by video for many years. The rules allows defendants who are not incarcerated the same procedure. — *State Appellate Defender Office, submitted by Martha Lucey*
30. This has been a good policy and should remain — *Marti Nerenstone, Attorney*

7. Preliminary hearing. Through June 30, 2021, a defendant may waive the preliminary hearing over the telephone with the court, and the waiver need not be electronically recorded or reported, so long as the court indicates in the court file that the hearing has been waived.

Comments

1. Didn't even know this was possible. No one told us that a defendant could do this via phone. — *Alysia Beam, Judicial Specialist IV*

2. Sure. — *Andrew Lietzow, Iowa Landlord Assoc.*
3. This should continue. Many have been doing it by phone for years with no problems. — *Chief Judge Drew, 2nd District*
4. Agree this should remain. Very few preliminary hearings are held and this allows a defendant to waive a preliminary hearing close to when it is scheduled. Further, it relieves some stress on the county attorneys to prepare for a preliminary hearing and have law enforcement at the courthouse ready to testify when the hearings are typically waived anyway. — *Chief Judge Greve, 7th District*
5. I have no problem electronically filing a waiver of preliminary hearing, but it could prove helpful for unrepresented individuals. — *Jeannette Keller, Bowman, DePree & Murphy*
6. This practice should be continued. — *Jonah Dyer, JHD Law*
7. Retain. — *Judge Barrows, 7th District*
8. Given the distance from the jail to the courthouse, I believe this is a useful change. *I had practiced as a prosecutor in Black Hawk County from 1996-2012. I have been a judge since 2012. I have never conducted a preliminary hearing in my career. They simply don't happen. They are replaced by the filing of a trial information and non-existent. — *Judge Dalrymple, 1st District*
9. This is efficient and should be extended. — *Judge Shepherd, DAJ 7th District*
10. We developed written forms so waivers are in writing and recorded. I think this is a better practice. — *Judge Werling, 7th District*
11. Considering Preliminary hearings are rare, a written waiver filed every time just takes time from the clerk's office staff as well as time for the lawyers to prepare the document. I know we are not talking about a great deal of time but it adds up. — *Kenneth Duker SPD*
12. Per policy, our county does not waive preliminary hearings. However, the county attorney files a trial information prior to the hearing. — *Magistrate Mark Neary*
13. SHOULD KEEP THIS. — *Ryan Dale, Attorney at Law*
14. Dallas County has been in the habit of filing trial informations prior to preliminary hearings, so this isn't an issue here, but there's no reason not to continue this option. Preliminary hearings should be done remotely or telephonically except in the most complicated type cases. — *Steve Cooper, Asst. Dallas Co. Attny*
15. Agree wholeheartedly — *Mark Strugeon, Court Reporter*
16. Again, this has been very helpful and I would like this to continue. — *Jennie Wilson-Moore, Wilson Law Firm*

17. This works great! — *Dawn Landon, Sell Law, PLC*
18. This works for us. — *Tina Meth Farrington, Calhoun County Attorney*
19. This has been a good policy and should remain — *Marti Nerenstone, Attorney*
20. This should continue. — *Martha Sibbel, Assistant Crawford Co. Attny*
21. Undecided. There are few preliminary hearings held in which the defendant is not represented by counsel. However, there appears to be some benefit for the preservation of court resources by avoiding unwanted hearings and a benefit for defendants to avoid needless warrants for failure to appear if the individual lacks transportation. — *State Appellate Defender Office, submitted by Martha Lucey*
22. Provided that an attorney makes a professional statement, or signs a waiver, I believe this practice should continue. — *Alexandra Nelissen, Advocate Law, PLLC*
23. We make a note when it is waived per phone call, but it is not that difficult to file a waiver. — *Katrina O'Brien, Magistrate Court Attendant*

8. Arraignment. Through June 30, 2021, written waivers of arraignment need not be under oath.

Comments

1. Sure. — *Andrew Lietzow, Iowa Landlord Assoc.*
2. This should continue. Eliminating the Notary allows attorneys to do written arraignments by mail. We need to make life easier for contract attorneys. They are spread very thin. — *Chief Judge Drew, 2nd District*
3. This should remain permanently. It allows for an attorney to file the written arraignment for their client without having to have personal contact and/or wait for the client to come to their office. Further, if the defendant lives in a different area, city or state, it saves everyone time and expense in mailing an arraignment and waiting for it to be returned. — *Chief Judge Greve, 7th District*
4. Please continue this practice. — *Jeannette Keller, Bowman, DePree & Murphy*
5. This practice should be continued. — *Jonah Dyer, JHD Law*
6. The defendant "being charged in his/her true and correct name" is necessary and could be fatal in the prosecution and future enhancement. Absent "under oath" it is problematic. The proposal is no longer necessary. — *Judge Dalrymple, 1st District*
7. Continuing this practice would allow for timely arraignment of defendants, particularly those who live out of the area, don't have a mailing address/access to email, are incarcerated elsewhere or are terrible about opening mail. — *Judge Salic, DAJ 2nd District*

8. This rule is helpful to the defense attorneys and defendants, should be extended. — *Judge Shepherd, DAJ 7th District*
9. See 7 above. Written acknowledgement is a better practice regarding constitutional rights of the parties. — *Judge Werling, 7th District*
10. This is one of the innovations that I think has dramatically changed the way I practice to the better. I can now mail written waivers of arraignments to the client for their signature without the client trying to find a notary to sign in front of. This has increased the amount of written arraignments filed prior to the court date and has decreased the amount of time that I have to wait around at court for clients to show and sign the waiver. — *Kenneth Duker SPD*
11. SHOULD KEEP THIS. — *Ryan Dale, Attorney at Law*
12. Should continue. No one should be coming to the courthouse for an Arraignment so long as they are in contact with their counsel. — *Steve Cooper, Asst. Dallas Co. Attny*
13. This has been a lifesaver! — *Dawn Landon, Sell Law, PLC*
14. Sometimes it is difficult to get a hold of clients to sign things in front of a witness. Especially court appointed clients. I encourage this to continue. — *Jennie Wilson-Moore, Wilson Law Firm*
15. This should continue. — *Martha Sibbel, Assistant Crawford Co. Attny*
16. I would prefer the Oath part. — *Tina Meth Farrington, Calhoun County Attorney*
17. Undecided. The current rule and form permits a defendant to sign the written arraignment without a notarial officer. I defer to attorneys who practice in the district court. — *State Appellate Defender Office, submitted by Martha Lucey*
18. This has been a good policy and should remain — *Marti Nerenstone, Attorney*
19. In circumstances of the client being in jail and Defense Counsel having had a recorded conversation with the defendant, or an electronic signature being obtained, which has a date and time stamp attached to it, I believe this practice should continue. — *Alexandra Nelissen, Advocate Law, PLLC*

9. Written arraignment by defense counsel. Through June 30, 2021, with the consent of the district court, defense counsel may execute a written arraignment pursuant to rule 2.8(1) on the defendant's behalf, provided that defense counsel has previously reviewed all terms of the arraignment form with the defendant and obtained the defendant's authority to execute the form on the defendant's behalf.

Comments

1. This practice should be continued. — *Jonah Dyer, JHD Law*
2. Rule is helpful, should be extended to make the process easier for all involved. — *Judge Shepherd, DAJ 7th District*
3. SHOULD KEEP THIS. — *Ryan Dale, Attorney at Law*
4. Sure. — *Andrew Lietzow, Iowa Landlord Assoc.*
5. This should continue. Eliminating the Notary allows attorneys to do written arraignments by mail. We need to make life easier for contract attorneys. They are spread very thin. — *Chief Judge Drew, 2nd District*
6. I believe this should continue as well - or be modified to include DocuSign or another acceptable format. This tool has provided relief to those of us working in rural communities having to set up an appointment - wait for the client - wait for the US Mail when we could have a zoom meeting to explain the arraignment and sign for the defendant all in one day! Absolutely has saved time, money and even prevented warrants! — *DeShawne Bird-Sell, Sell Law, PLC*
7. I agree; see comments to #8: This should remain permanently. It allows for an attorney to file the written arraignment for their client without having to have personal contact and/or wait for the client to come to their office. Further, if the defendant lives in a different area, city or state, it saves everyone time and expense in mailing an arraignment and waiting for it to be returned. — *Chief Judge Greve, 7th District*
8. This provision has been very helpful and I would recommend keeping it in place. It is often difficult to receive signed paperwork from indigent clients through the mail. For clients who work long or irregular hours, this has been very helpful — *Christine Sand, Wild, Baxter, & Sand, PLC*
9. In Juvenile Court the written pleas also assisted in leaving Court times free and moving the process along to disposition. — *Cindy Elgatian, JCO III, 7th District*
10. Continuing this practice would allow for timely arraignment of defendants, particularly those who live out of the area, don't have a mailing address/access to email, are incarcerated elsewhere or are terrible about opening mail. — *Judge Salic, DAJ 2nd District*
11. This option has avoided the issuance of many arrest warrants in our experience. Mail delivery can be unreliable, so the ability to file a written arraignment on a defendant's behalf has been very helpful. — *Sarah Hradek, Assistant SPD*
12. Retain until no longer necessary per CDC guidelines. — *Judge Barrows, 7th District*
13. I didn't do any of these as I thought it was better to have my client sign, but I can think of times when this would be helpful. — *Priscilla Forsyth, Attorney at Law*

14. I do not believe this is necessary to continue. — *Kenneth Duker SPD*
15. I don't think I've seen a single one of these. Probably can be discarded as a rule. — *Judge Werling, 7th District*
16. So long as the defendant is in contact with their attorney there's no reason not to allow for the signature by the defense counsel. When I was in private practice there were often clients I couldn't reach by phone or email, but I could mail them a written arraignment and they could often call me then but there wouldn't be time for them to mail the document back and they didn't have access to a computer or scanner. — *Steve Cooper, Asst. Dallas Co. Attny*
17. This should remain - at the very least for indictable misdemeanors. At present, counsel can appear on defendant's behalf at arraignment without filing a written. Seems inconsistent to allow that but then not allow counsel to file a written on defendant's behalf. — *Judge Rattenborg, DAJ, 1st District*
18. The proposal is no longer necessary. The defendant's signature is important as set forth in #8 above. — *Judge Dalrymple, 1st District*
19. I believe this should be continued indefinitely as long as counsel verifies he or she has spoken to the defendant and obtained their verbal approval. — *Judge Currie, 2nd District*
20. I DO NOT LIKE THE WRITTEN GUILTY PLEAS THAT JUDGE ***** USES, THE LANGUAGE DOES NOT PERTAIN TO JUVENILES AND IT'S BEST PRACTICE TO HAVE THE KIDS TAKE RESPONSIBILITY FOR THEIR ACTIONS AND ADMIT OUT LOUD WHAT THEY DID. — *Shawn Lucas, JCO III*
21. Signing for clients in a rural practice has been wonderful and needs to keep going! This keeps attorneys out of jails and clients home. — *Dawn Landon, Sell Law, PLC*
22. Makes sense — *Mark Strugeon, Court Reporter*
23. I do not believe this is still necessary. — *Jennie Wilson-Moore, Wilson Law Firm*
24. I think this is helpful. — *Kim Hess, Clerk of Court*
25. This has been a good policy and should remain — *Marti Nerenstone, Attorney*
26. This should continue. — *Martha Sibbel, Assistant Crawford Co. Attny*
27. I suggest this rule be retained only if the rule in paragraph 8 is likewise retained. — *State Appellate Defender Office, submitted by Martha Lucey*
28. I believe this should be allowed, but it should be encouraged to obtain a signature if the client is out of custody, electronically. For defendants in custody, a video or phone review with the defendant should be sufficient. — *Alexandra Nelissen, Advocate Law, PLLC*

29. Having to check in defendants that appear for arraignment, in talking with them, this was very beneficial since it can be done over the phone. Continuing this would be requested. — *Katrina O'Brien, Magistrate Court Attendant*
30. We have not had a problem with this. There have not been any defendant's who have claimed that their attorney did not follow this procedure. — *Tina Meth Farrington, Calhoun County Attorney*

10. Waiver of personal appearance. Through June 30, 2021, for a proceeding other than trial and sentencing in which the defendant's personal appearance is required under normal circumstances, the defendant may execute a written waiver of appearance, with the consent of the court. For purposes of clarification, this paragraph refers to the situation where the defendant waives *any* type of appearance, both in-person and remote.

Comments

1. While I did not use this practice much, I can see that it has advantages in streamlining the use of a defendant's time and making the court system more user friendly. — *Kenneth Duker SPD*
2. Retain — *Judge Barrows, 7th District*
3. I would say allow it, it keeps the number of people down in the hallways and courtrooms. — *Alysia Beam, Judicial Specialist IV*
4. Makes sense. — *Andrew Lietzow, Iowa Landlord Assoc.*
5. This should continue. — *Chief Judge Drew, 2nd District*
6. I believe this should remain for all the reasons given in #1, 6, and 8: [Paraphrasing] Saves judicial resources and beneficial to lawyers; avoids cattle calls, leverage investment in technology; saves lawyers and defendants time and expense. — *Chief Judge Greve, 7th District*
7. I understand that there are concerns that this provision could result in appeals and PCR actions, with criminal defendants claiming they were not advised by their counsel. — *Christine Sand, Wild, Baxter, & Sand, PLC*
8. SHOULD KEEP THIS. — *Ryan Dale, Attorney at Law*
9. This practice should be continued. — *Jonah Dyer, JHD Law*
10. Agreed upon sentencings should continue to be done on paper. Unless the court reviews the proposed judgment and decides not to approve the plea agreement, at which time a sentencing could be scheduled via video conferencing or in person. Basically, after having conducted business mostly remotely for over a year, it is clear that many criminal appearances in court should have been done on paper, and ptc should be done by telephone or email — *Steve Cooper, Asst. Dallas Co. Attny*

11. No objection. — *Judge Dalrymple, 1st District*
12. This is beneficial, particularly with persons in federal custody or incarcerated elsewhere, unexpected personal circumstances of the defendant -- transportation, illness, arrest, etc.. — *Judge Salic, DAJ 2nd District*
13. Makes processes very efficient, should be extended. — *Judge Shepherd, DAJ 7th District*
14. See 7 above. (We developed written forms so waivers are in writing and recorded.) A good set of forms can cover this issue. — *Judge Werling, 7th District*
15. I believe this should be a permanent option to avoid a large number of people having to gather at the courthouse and to allow people to avoid having to travel to/from the courthouse and miss extended periods of work. — *Magistrate Mark Neary*
16. I would like to see this continue. — *Jeannette Keller, Bowman, DePree & Murphy*
17. This also has been helpful with court appointed clients as they often do not have transportation. Especially in the more rural counties. I strongly encourage this to continue. — *Jennie Wilson-Moore, Wilson Law Firm*
18. Yes! — *Dawn Landon, Sell Law, PLC*
19. I think this is helpful. — *Kim Hess, Clerk of Court*
20. This has been helpful if the defendant is in custody at a place not in close proximity to our courthouse, like in prison or in custody in another county. — *Tina Meth Farrington, Calhoun County Attorney*
21. This does not work when fingerprints are needed for the charge. — *Katrina O'Brien, Magistrate Court Attendant*
22. I believe this should continue as well. Cattle call is avoided and it is more practicable. — *Alexandra Nelissen, Advocate Law, PLLC*
23. This rule should be discontinued as it relates to felony guilty pleas and sentencing. — *State Appellate Defender Office, submitted by Martha Lucey*
24. This has been a good policy and should remain — *Marti Nerenstone, Attorney*
25. This should continue. — *Martha Sibbel, Assistant Crawford Co. Attny*

11. Additional accommodation as to written waiver of personal appearance. Through June 30, 2021, with the consent of the court, defense counsel may execute a written waiver of appearance on defendant's behalf under paragraph 8 above provided that defense counsel has previously

reviewed defendant's right to be present with the defendant and obtained the defendant's authority to execute the waiver on the defendant's behalf.

Comments

1. This practice should be continued. — *Jonah Dyer, JHD Law*
2. Should also be extended. — *Judge Shepherd, DAJ 7th District*
3. This should continue. Many rural areas were already conducting business without nearly as many in person appearances and the defendant would just report to probation once the judgment was entered. It has been working here, which has been a county where parties traditionally appeared. — *Steve Cooper, Asst. Dallas Co. Attny*
4. SHOULD KEEP THIS. — *Ryan Dale, Attorney at Law*
5. I believe this should be made permanent. — *Magistrate Mark Neary*
6. No objection. — *Judge Dalrymple, 1st District*
7. See 9 above. I don't recall seeing a single one of these. As a defense attorney, I would be more than hesitant to use this authority. — *Judge Werling, 7th District*
8. Retain until no longer necessary per CDC guidelines. — *Judge Barrows, 7th District*
9. Keep it. If the defendant consents to the written waiver of personal appearance, then why make them personally appear. We already know it works, so why go backwards? — *Alysia Beam, Judicial Specialist IV*
10. Makes sense. — *Andrew Lietzow, Iowa Landlord Assoc.*
11. I believe this should remain for all the reasons given in #1, 6, and 8: [Paraphrasing] Saves judicial resources and beneficial to lawyers; avoids cattle calls; leverage investment in technology; saves lawyers and defendants time and expense. — *Chief Judge Greve, 7th District*
12. Same as 9 above. Love this option. (I believe this should continue as well - or be modified to include DocuSign or another acceptable format. This tool has provided relief to those of us working in rural communities having to set up an appointment - wait for the client - wait for the US Mail when we could have a zoom meeting to explain the arraignment and sign for the defendant all in one day! Absolutely has saved time, money and even prevented warrants!) — *DeShawne Bird-Sell, Sell Law, PLC*
13. Continuing this practice would allow for timely arraignment of defendants, particularly those who live out of the area, don't have a mailing address/access to email, are incarcerated elsewhere or are terrible about opening mail. Requiring the consent of the court is an essential component to this option. — *Judge Salic, DAJ 2nd District*

14. While I did not use this practice much, I can see that it has advantages in streamlining the use of a defendant's time and making the court system more user friendly. — *Kenneth Duker SPD*
15. Yes! — *Dawn Landon, Sell Law, PLC*
16. I prefer the client sign the waiver. — *Jennie Wilson-Moore, Wilson Law Firm*
17. This has been a good policy and should remain — *Marti Nerenstone, Attorney*
18. This should continue. — *Martha Sibbel, Assistant Crawford Co. Attny*
19. Discontinue as applied to felonies. — *State Appellate Defender Office, submitted by Martha Lucey*
20. I think this should be acceptable for in custody defendants, but for out of custody an electronic signature should suffice. — *Alexandra Nelissen, Advocate Law, PLLC*
21. Same (does not work when fingerprints needed) - then we have to issue an order for fingerprints, so it creates extra work. — *Katrina O'Brien, Magistrate Court Attendant*
22. This has worked OK, but I suspect that we will see some appeals or PCR's on this issue in the future when things have not gone the way the Defendant feels that they should have. — *Tina Meth Farrington, Calhoun County Attorney*

12. Pretrial release. Judicial officers are encouraged to consider pretrial release options available under Iowa Code chapter 811.

Comments

1. I was a defense attorney in Polk County during that pretrial release experiment, and it seems like many of those changes stayed. It should still be a case by case determination in most circumstances, however, even more of our officers were citing folks and releasing them with a date to appear on non-violent cases. The trend was away from requiring cash bond in every case, and that should continue. — *Steve Cooper, Asst. Dallas Co. Attny*
2. Sure. — *Andrew Lietzow, Iowa Landlord Assoc.*
3. Judicial officers should continue this practice as the jails are overcrowded even without COVID concerns. — *Chief Judge Greve, 7th District*
4. This should always be considered. — *Sarah Hradek, Assistant SPD*
5. Retain until no longer necessary per CDC guidelines. — *Judge Barrows, 7th District*

6. No objection. — *Judge Dalrymple, 1st District*
7. Is always good practice. — *Judge Shepherd, DAJ 7th District*
8. Our cash bond system has been the focus of criticism. Options are a good thing. — *Judge Werling, 7th District*
9. I believe this is another practice that should be maintained. — *Kenneth Duker SPD*
10. I have not been made aware of any issues which have resulted from fewer people being detained in jail throughout the past year. — *Magistrate Mark Neary*
11. This should also continue. — *DeShawn Bird-Sell, Sell Law, PLC*
12. SHOULD KEEP THIS. — *Ryan Dale, Attorney at Law*
13. I would like to see this continue. — *Jeannette Keller, Bowman, DePree & Murphy*
14. Yes! Please keep going. — *Dawn Landon, Sell Law, PLC*
15. This has been good, but perhaps a bit more taxing on probation services. As a defense attorney, I do think it should remain. — *Jennie Wilson-Moore, Wilson Law Firm*
16. This should happen on a case by case basis. — *Martha Sibbel, Assistant Crawford Co. Attny*
17. With serious crimes, this is not feasible. Working closely with jail staff, it was beneficial to their overcrowding but there are times defendants just need to be held. We were told that the department of corrections would not accept people during COVID so it was confusing....but we then made contact and were told they would. — *Katrina O'Brien, Magistrate Court Attendant*
18. I'm OK with this if the Defendant has a verified address and if there are not concerns of further harm to a victim. — *Tina Meth Farrington, Calhoun County Attorney*
19. This has been a good policy and should remain — *Marti Nerenstone, Attorney*
20. Pretrial release is helpful to the jail if the judge feels it is appropriate. — *Kim Hess, Clerk of Court*
21. Retain. This rule is consistent with Iowa Code chapter 811 and always should be the practice and policy of the court. — *State Appellate Defender Office, submitted by Martha Lucey*
22. Please continue this. There is no reason not to and is a great start to criminal justice reform. — *Alexandra Nelissen, Advocate Law, PLLC*

13. Bond reviews. Through June 30, 2021, magistrates and other judicial officers may conduct bond reviews by videoconference or telephone. Attorneys may waive the defendant's presence on the defendant's behalf and allow the court to make a bond determination on the defendant's motion for bond review and the response thereto. If the defendant's presence will be waived, this shall be stated in the motion or in a separate filing prior to the court's determination. Both the motion and the response may be supported by affidavits as well as statements of counsel.

Comments

1. This would continue to be beneficial, particularly with persons in federal custody or incarcerated elsewhere. It would allow easier coverage when magistrates for one county are covering for another county. It would also allow bond review hearings by DAJ and district judges to occur sooner in rural counties where it may be up to 13 days before a judge is back in the county to conduct a hearing on a regular court day. — *Judge Salic, DAJ 2nd District*
2. This should be an option moving forward, to be used at the discretion of the parties. — *Judge Shepherd, DAJ 7th District*
3. This is an excellent use of Zoom technology. Bond hearings are custom made for such procedures. — *Judge Werling, 7th District*
4. I believe this should be a permanent option. — *Magistrate Mark Neary*
5. Conducting bond reviews telephonically or via videoconference helps reduce the strain on the jail, especially where defendants are being held in another county due to jail overcrowding. — *Sarah Hradek, Assistant SPD*
6. Bond reviews can easily continue to be done remotely, and with the defendant's presence waived. If the judge determines that the case is more complicated and wants to see the defendant and parties in person then they can order a new hearing. — *Steve Cooper, Asst. Dallas Co. Attny*
7. I urge the Supreme Court to allow bond review hearings to be conducted in the future by videoconference or telephone. It is much more efficient and requires less transportation of defendants by the sheriff to the courthouse, freeing up everyone's time. I have not heard any complaints from defense counsel - everyone seems happy with this arrangement. Counsel and defendant can go into a breakout room (on Zoom) and meet in private if they need to. — *Judge Currie, 2nd District*
8. These provisions allow for quicker review of bond reduction requests. Video conference should be the preferred method with telephone hearings authorized only if in-person or video is not available. — *Sarah Rothman, Rothman Law Office*
9. Retain — *Judge Barrows, 7th District*

10. I would like to see this continue particularly to allow for bond review hearings to be held by videoconferencing. — *Jeannette Keller, Bowman, DePree & Murphy*
11. This should continue. — *DeShawne Bird-Sell, Sell Law, PLC*
12. We have always done this in District 7 both before and after COVID. It works well and allows the judges to handle quite a few hearings in an afternoon morning. It also gives attorneys the ability to represent defendants in different counties and not have to travel between courthouses, but handle things from their office. They can serve more clients than when personal appearance is required. — *Chief Judge Greve, 7th District*
13. Continuing this will allow hearings to be held sooner. It also helps contract attorneys as the hearings are short and requiring them to be there in person is unnecessarily burdensome. — *Chief Judge Drew, 2nd District*
14. Sure. — *Andrew Lietzow, Iowa Landlord Assoc.*
15. Keep it, most of our bond reviews appear via zoom since they are in custody. You don't need an actual body in a courtroom to do a bond review. — *Alysia Beam, Judicial Specialist IV*
16. No objection. — *Judge Dalrymple, 1st District*
17. This should also remain in effect. It limits the back and forth transportation from the jail to attend these hearings. — *Judge Rattenborg, DAJ, 1st District*
18. For safety purposes Bond Reviews conducted by video conference should be allowed to continue. It can also ensure that they occur timely by not having to schedule around a defense attorney's ability to be physically present. — *Sara Davenport, Jackson County Attorney*
19. This works great! — *Dawn Landon, Sell Law, PLC*
20. This has allowed fewer transports and more judicial economy. I believe this should remain. — *Jennie Wilson-Moore, Wilson Law Firm*
21. This has been a good policy and should remain — *Marti Nerenstone, Attorney*
22. This should continue. — *Martha Sibbel, Assistant Crawford Co. Attny*
23. Modify. The court should be permitted to conduct bond reviews by video conference or telephone. — *State Appellate Defender Office, submitted by Martha Lucey*
24. This is an efficient use of judicial court time. Please continue this. — *Alexandra Nelissen, Advocate Law, PLLC*
25. I have not had a problem with this. — *Tina Meth Farrington, Calhoun County Attorney*

14. Extension of deadline for filing pretrial motions. Unless otherwise ordered by the court, for any case in which the defendant has been arraigned before February 1, 2021, the deadline for filing motions shall be 30 days before trial.

Comments

1. The pre-Covid rule should be used. — *Judge Barrows, 7th District*
2. No need for this to continue. So long as the parties are in communication the case can be resolved or prepared to trial on the normal timeline. — *Steve Cooper, Asst. Dallas Co. Attny*
3. It would be unnecessarily confusing to change the deadline for pretrial motions for these cases at this point. — *Sarah Hradek, Assistant SPD*
4. SHOULD KEEP THIS. — *Ryan Dale, Attorney at Law*
5. I would like to see this extended and made a permanent rule. This makes much more sense for the way criminal law is actually practiced. — *Priscilla Forsyth, Attorney at Law*
6. This rule should be a permanent change. It makes much more sense to have the deadline be 30 days before trial, particularly given how long some cases are continued out. Often 40 days after arraignment doesn't even get you to the first pre-trial conference, and that can be when it is learned that a defendant wants a motion. This should be a permanent change for all cases. — *Kiimberly DePalma SPD*
7. No longer necessary. — *Judge Dalrymple, 1st District*
8. I would like to see this continue. — *Jeannette Keller, Bowman, DePree & Murphy*
9. How about 15 days instead? Otherwise, no comment. — *Andrew Lietzow, Iowa Landlord Assoc.*
10. This should remain to help catch up with the backlog of criminal (and civil) cases. — *Chief Judge Greve, 7th District*
11. I believe that the old rule was for a different time. I think this is a rule that should be kept. — *Kenneth Duker SPD*
12. No longer necessary. — *Jennie Wilson-Moore, Wilson Law Firm*
13. Yes, great! — *Dawn Landon, Sell Law, PLC*
14. This has been a good policy and should remain — *Marti Nerenstone, Attorney*
15. This is good so long as it is enforced. So many judges, ignore the deadline because they do not want to be overturned on appeal. — *Tina Meth Farrington, Calhoun County Attorney*

16. No issue with this either way. — *Alexandra Nelissen, Advocate Law, PLLC*
17. This should continue. — *Martha Sibbel, Assistant Crawford Co. Attny*
18. Retain. This rule should be permanent. It would save time and resources. — *State Appellate Defender Office, submitted by Martha Lucey*

15. Written guilty pleas. Through June 30, 2021, district courts may accept written guilty pleas in felony cases in the same manner as in serious and aggravated misdemeanor cases. See Iowa R. Crim. P. 2.8(2)(b) (last paragraph).

Comments

1. This practice should be continued. — *Jonah Dyer, JHD Law*
2. Yes, please. There's no reason on a case where there's a plea agreement and the court has a chance to review the proposed order, especially for a suspended sentence or deferred judgment that the defendant can't get their sentence imposed and report to probation. — *Steve Cooper, Asst. Dallas Co. Attny*
3. AS MENTIONED BEFORE, JUVENILES SHOULD APPEAR IN PERSON AND ADMIT TO THEIR OFFENSES OUT LOUD. — *Shawn Lucas, JCO III*
4. Written guilty pleas, especially in Class D felonies, have reduced the amount of court time required to manage these cases. I would like to see this continued indefinitely. — *Sarah Hradek, Assistant SPD*
5. SHOULD KEEP THIS. — *Ryan Dale, Attorney at Law*
6. I would like to see this continued. As a criminal defense lawyer there are times when my clients have reasons to have their plea and sentencing done quickly and in some counties it takes time before they can schedule a court appearance. This really only applies to stipulated sentences as you need an appearance for others. It would clear the docket for cases where there is an actual controversy to be decided — *Priscilla Forsyth, Attorney at Law*
7. This definitely should continue. It saves time for all concerned and ensures a good record. — *Chief Judge Drew, 2nd District*
8. This is my number one priority and I believe should remain on a permanent basis. Allowing written pleas saves judicial time, energy and resources. It does the same for attorneys. In addition, a properly developed written plea sets forth all of the explanations a defendant should receive when deciding to plead whether it is to a misdemeanor or a felony. Using written pleas should reduce the number of motions and appeals in plea cases. — *Chief Judge Greve, 7th District*

9. I have talked with other criminal attorneys who have appreciated this change. — *Michelle Lewon, Attorney at Law*
10. This should continue. — *DeShawne Bird-Sell, Sell Law, PLC*
11. Should be continued - is beneficial to all parties. — *Judge Shepherd, DAJ 7th District*
12. This should also be a permanent change. It allows for easier facilitation of guilty pleas. Also, defendants and their attorneys often have better rapport than a judge, so they're more comfortable asking questions or asking us to repeat things than they are with a judge. — *Kiimberly DePalma SPD*
13. In Juvenile Court, this really helped free up Court time and move on in the process to disposition. — *Cindy Elgatian, JCO III, 7th District*
14. I strongly encourage retaining this rule. It has reduced the number of inadvertent errors arising out of "in person" pleas. — *Judge Werling, 7th District*
15. There should be retained. This has been an enormous time saving tool for the courts. In addition, these are hearings for which judges and defense attorneys no longer have to travel, saving additional resources. — *Judge Barrows, 7th District*
16. This would continue to be beneficial. Oftentimes it takes 3-4 weeks to be able to hold a plea change hearing after being advised of the intention to plead guilty. After that hearing, a PSI needs to be ordered and sentencing occurs 6-8 weeks later. Particularly for defendants in custody awaiting sentencing, that initial delay to hold the plea change hearing is very unfortunate and can be avoided with this becoming a permanent rule change. — *Judge Salic, DAJ 2nd District*
17. This has worked very well. I would support the continuation of this accommodation. — *Judge Rattenborg, DAJ, 1st District*
18. This change should be allowed to expire. In my view, this allows a defendant to believe that the offense is less serious than it is because s/he is not even required to appear in court and may never see a judge at any time while the case is pending. — *Judge Lloyd, Sr. Judge*
19. No objection. — *Judge Dalrymple, 1st District*
20. The attorneys have resolved a lot of cases in writing and the volume has been such that we would not be able to accommodate all of the hearing requests in a prompt manner. By allowing defendants to plead guilty to a felony in writing, it gives the parties and court flexibility. There may be some cases where an attorney or judge wants to have an in-person hearing, and that's fine - I just like the flexibility and efficiency when it's appropriate. — *Judge Currie, 2nd District*
21. I believe this is another change that should be kept. This has decreased Court time and is an efficiency that can help with decrease the workload of Judges and Court time for attorneys and defendants. — *Kenneth Duker SPD*

22. This is wonderful. Keep this going! Frees up hours of docket time! — *Dawn Landon, Sell Law, PLC*
23. There have been difficulties with attorneys not getting all of the necessary paperwork filed and quite a bit of follow-up paperwork, e-mails, and phone calls are then necessary to get everything filed. — *Beverly Bleigh, Court Reporter*
24. The written guilty pleas often come in missing information needed to process the sentencing order or order accepting plea and setting sentencing. If that can be remedied, it would be fine to continue this process. — *Karla Lester, Court Reporter*
25. I strongly encourage this to continue. Cases have been able to conclude much faster this way. Clients have been able to get on the waiting lists for halfway houses sooner. And on their way to prison sooner. — *Jennie Wilson-Moore, Wilson Law Firm*
26. I question whether Defendant's fully understand the written guilty pleas and the rights they are waiving. If guilty pleas cannot resume in person they should at least be required to be done via video-conferencing. — *Sara Davenport, Jackson County Attorney*
27. I think this has been very helpful. — *Kim Hess, Clerk of Court*
28. This has been a good policy and should remain - it has been more efficient and speedy instead of trying to arrange for defendants to be brought to court from the jail — *Marti Nerenstone, Attorney*
29. This should continue. — *Martha Sibbel, Assistant Crawford Co. Attny*
30. Discontinue. The in-person proceeding for felonies ensure that defendants knowingly, intelligently, and voluntarily waive their constitutional rights when entering a guilty plea with an understanding of its consequences. — *State Appellate Defender Office, submitted by Martha Lucey*
31. No issue with this either way. — *Alexandra Nelissen, Advocate Law, PLLC*
32. Being able to handle felony pleas in writing for class D's and C's has worked well and helped us to keep up and will help us to clear out the backlog. I would like to see that continue. I say that with some hesitation as I think we need to be sure that judges are being careful about the documents, counsel is fulfilling their obligations as well. Expediency is important but it should not be the only goal nor the sole reason why we do this so it should be carefully considered and maybe reviewed after some time has passed. — *Judge Neary, 3rd District*
33. This has worked for us. — *Tina Meth Farrington, Calhoun County Attorney*

16. Presentence investigation reports. To facilitate sentencing without the personal presence of the defendant in the courtroom, through June 30, 2021,

notwithstanding Iowa Code section 901.4, presentence investigation reports may be shared with defendants in advance of sentencing subject to reasonable safeguards.

Comments

1. No objection. — *Judge Dalrymple, 1st District*
2. I believe this is a good change as it allows an attorney more time to go over the PSI with the defendant. I see no downside to this at all. — *Chief Judge Greve, 7th District*
3. Any information that can be shared ahead assists in the smoother flow of the process. — *Cindy Elgatian, JCO III, 7th District*
4. This is another great advance. — *DeShawne Bird-Sell, Sell Law, PLC*
5. This would be helpful after the pandemic. — *Jeannette Keller, Bowman, DePree & Murphy*
6. Helps makes process more efficient, should be extended. — *Judge Shepherd, DAJ 7th District*
7. I think this is a good plan but I am not fully informed as to all concerns. — *Judge Werling, 7th District*
8. I believe that this should continue but specify what those reasonable safeguards can be. — *Kenneth Duker SPD*
9. SHOULD KEEP THIS. — *Ryan Dale, Attorney at Law*
10. Presentence investigation reports should be shared with defendants in advance of sentencing, and not doing so should be considered ineffective assistance. How can a defense team adequately prepare for sentencing without review the PSI with their client so they can address the issues raised in the report? — *Steve Cooper, Asst. Dallas Co. Attny*
11. This practice should be continued. — *Jonah Dyer, JHD Law*
12. Retain until no longer necessary per CDC guidelines. — *Judge Barrows, 7th District*
13. This is very helpful and should continue. — *Jennie Wilson-Moore, Wilson Law Firm*
14. Yes! — *Dawn Landon, Sell Law, PLC*
15. Discontinue. I believe the intent of the rule was to allow an attorney to provide a copy by mail or email to the defendant. As written, I do not believe the current language ("share") provides a defendant access to the PSI which he/she does not have under 901.4. If so, the Court cannot enact a rule inconsistent with the Code. — *State Appellate Defender Office, submitted by Martha Lucey*

16. This should continue. — *Martha Sibbel, Assistant Crawford Co. Attny*
17. This has been a good policy and should remain — *Marti Nerenstone, Attorney*
18. We have not had any problems with this. — *Tina Meth Farrington, Calhoun County Attorney*
19. This could be necessary depending on what is decided on requirements for the defendant's presence. — *Kim Hess, Clerk of Court*
20. This allows Defense to prepare in case of a contested sentencing hearing. — *Alexandra Nelissen, Advocate Law, PLLC*

17. Sentencing procedures by remote appearance. Notwithstanding paragraph 9, for felony or misdemeanor sentencing hearings through June 30, 2021, courts may allow any party (the prosecutor, defense counsel, defendant, victims and witnesses) to appear by videoconference or telephone with that party's consent. To appear by videoconference or telephone, the defendant shall either (a) execute a written waiver or (b) make a waiver on the record. Other parties need not execute a waiver.

Comments

1. Video conference allows defendants who are in custody to attend sentencing without placing additional demands on law enforcement for transportation and should continue. Telephone sentencing should only be allowed if in-person or video is not available. — *Sarah Rothman, Rothman Law Office*
2. I again believe this is a practice that should continue as it could decrease the amount of inmate transportation and the costs associated with it as well as for Defendants that are located some distance away from the courthouse. — *Kenneth Duker SPD*
3. This should also be a permanent change. — *Kiimberly DePalma SPD*
4. I believe this should be made permanent. — *Magistrate Mark Neary*
5. This is a great option for many different circumstances. It is especially helpful for in custody defendants or when counsel is located in a different county and the hearing is one that will only take a few minutes. Most sentencings aren't contested or only have exhibits that have already been submitted and counsel argues a sentence. This is a great option and I'd like to see it remain — *Priscilla Forsyth, Attorney at Law*
6. When all parties agree, this is a good option for sentencing. — *Judge Shepherd, DAJ 7th District*

7. I am in favor of continuing to have this option available. Most of our pleas include a joint sentencing recommendation. — *Sarah Hradek, Assistant SPD*
8. This practice should be continued. — *Jonah Dyer, JHD Law*
9. For many cases this makes sense. There are some defendants and some circumstances where in person makes sense. A hotly contested or complicated sentencing, for instance, but also where the defendant would benefit from the formality and the significance of being seen in person as a future deterrent to committing new offenses. — *Steve Cooper, Asst. Dallas Co. Attny*
10. SHOULD KEEP THIS. — *Ryan Dale, Attorney at Law*
11. A defendant should appear personally for sentencing. Again, it is a matter of reinforcing the seriousness of the matter to the defendant. — *Judge Lloyd, Sr. Judge*
12. The proposal is no longer necessary. — *Judge Dalrymple, 1st District*
13. These should be retained. These are hearings for which judges and defense attorneys no longer have to travel, saving additional resources. — *Judge Barrows, 7th District*
14. I would like to see this continue. — *Jeannette Keller, Bowman, DePree & Murphy*
15. This is another tool that rural communities find invaluable. It has increased the ability to get our clients moving through the system in counties that only have court on Mondays....and sometimes every other Monday. This should continue. — *DeShawne Bird-Sell, Sell Law, PLC*
16. The only time this posed a problem was when a youth was being ordered into residential placement and was ordered to report to detention. This youth did not follow the order and remains on run status. — *Cindy Elgatian, JCO III, 7th District*
17. If a defendant executes a written waiver or waives his/her appearance on the record, it makes sense to allow for a sentencing procedure by remote appearance. A defendant does not have to agree to this and will have a sentencing hearing in person if he/she desires that. — *Chief Judge Greve, 7th District*
18. Keep it as is. This pandemic has shown the ability to adapt court proceedings to video is possible. Being remote has opened up more possibilities and availability to the court system. — *Alysia Beam, Judicial Specialist IV*
19. This would continue to be beneficial, even in limited circumstances. For instance, if the defendant is incarcerated elsewhere (especially out of state or in federal custody), our unresolved charge can delay their eligibility for discharge or work release. We also have defendants in long-term treatment programs where it would be helpful to resolve their case and get them on probation before discharging from treatment, but transportation back to Iowa to do that is impossible or impractical --

and runs the risk of them not returning to treatment after the hearing. It would also be helpful when the parties are in agreement for placement at an RCF or prison. — *Judge Salic, DAJ 2nd District*

20. As with the guilty pleas, I appreciate the flexibility of having remote sentencing hearings. Holding a sentencing on Zoom allows the public and any victims to observe the proceedings - perhaps better than if they had to appear at a certain courthouse at a certain date and time. No one needs to wear a mask or face shield, so the Court may observe the parties better than if we were in person. — *Judge Currie, 2nd District*
21. I support this procedure. We are vastly more efficient being able to resolve cases in multiple counties by use of technology. — *Judge Werling, 7th District*
22. Agree with this — *Mark Strugeon, Court Reporter*
23. Again, very useful and should continue. — *Jennie Wilson-Moore, Wilson Law Firm*
24. Yes! So wonderful — *Dawn Landon, Sell Law, PLC*
25. While video-conferencing sentencings are convenient and perhaps can continue with contested misdemeanor sentencings, felony sentencings should resume in person. There can be logistical issues with POs having trouble tracking defendants down or coordinating the taking into custody of someone sentenced to prison. If in person felony sentencings are not going to be required, then a waiver by prosecutors should be required for remote sentencing. — *Sara Davenport, Jackson County Attorney*
26. As with pleas, as long as the information needed to process the sentencing order is included with the filing, it's fine to continue this way, but that is not always happening and processing is delayed. — *Karla Lester, Court Reporter*
27. This has not been an issue for us. — *Tina Meth Farrington, Calhoun County Attorney*
28. This too could be a great step towards criminal justice reform and a more user friendly system, for defendants, defense counsel, and prosecuion. — *Alexandra Nelissen, Advocate Law, PLLC*
29. Discontinue for felony sentencing hearings. — *State Appellate Defender Office, submitted by Martha Lucey*
30. This should continue. — *Martha Sibbel, Assistant Crawford Co. Attny*
31. I think allowing anything to be done by video conference would be helpful. — *Kim Hess, Clerk of Court*
32. This has been a good policy and should remain — *Marti Nerenstone, Attorney*

18. Sentencing in felony matters by written agreement with court

approval. Through June 30, 2021, where the prosecutor and the defendant have reached an agreement as to sentence, and the agreement is accepted by the court, the court has the discretion to pronounce judgment and sentence by written order without the parties appearing by videoconference or telephone, provided the following conditions are met: (a) the defendant and defense counsel each must waive in writing the defendant's presence and right of allocution (the defendant may of course submit a written statement), (b) the prosecutor must submit a written statement waiving presence and verifying that there are no victims who want to be heard in person, and (c) the agreement as to sentence must be signed by the defendant and both the agreement and the court's approval must be made a part of the court file.

Comments

1. This practice should be continued. — *Jonah Dyer, JHD Law*
2. keep — *Alysia Beam, Judicial Specialist IV*
3. This should continue. Big time saver that allows us to spend more time on matters that require discretion. I think the impact of in person hearings on defendants is not as great as many think. Obviously if there are victims that want to be heard the hearing should be held in person. — *Chief Judge Drew, 2nd District*
4. This should remain for all the reasons stated in #17. There should be some indication of whether the defendant has the reasonable ability to pay category B restitution. #17: If a defendant executes a written waiver or waives his/her appearance on the record, it makes sense to allow for a sentencing procedure by remote appearance. A defendant does not have to agree to this and will have a sentencing hearing in person if he/she desires that. — *Chief Judge Greve, 7th District*
5. This too should continue. — *DeShawne Bird-Sell, Sell Law, PLC*
6. A reasonable procedure, but rarely utilized in the felony context. — *Judge Barrows, 7th District*
7. With the conditions set forth above, I appreciate the flexibility to enter judgment and sentence on paper when there is a joint recommendation and the court believes it is appropriate. The conditions ensure that if someone wants to be heard in person, their rights are retained. I strongly urge the Supreme Court to authorize this practice to continue. — *Judge Currie, 2nd District*
8. The proposal is no longer necessary. However, with the consent of the defendant and the recent amendments to appeals following pleas of guilty... I do not object. — *Judge Dalrymple, 1st District*
9. This is great when you have a stipulated sentence and the court agrees. There may be some cases where this isn't appropriate, but if the court

had the option to say "no, you have to do this in person or via video on the record" I don't see a problem — *Priscilla Forsyth, Attorney at Law*

10. Has worked well for many cases and should be an option to continue. Where there is a plea agreement that the court is comfortable with the parties should not be required to appear. In some circumstances it is for a prison sentence where the defendant is agreeing to a period of incarceration, but in other cases it works well for a probation or deferred judgment case. — *Steve Cooper, Asst. Dallas Co. Attny*
11. This provision has been very helpful to my clients who do not have regular transportation and can not take time off from their jobs. There are individual county attorneys and judges who will not comply, but I think this is a helpful provision. — *Christine Sand, Wild, Baxter, & Sand, PLC*
12. Same reasoning as in Paragraph 17. The majority of our felony sentencings are the result of a plea agreement which includes a joint sentencing recommendation. Sentencing by written order is more efficient and frees up limited court time and resources. — *Sarah Hradek, Assistant SPD*
13. A defendant should appear personally for sentencing. Again, it is a matter of reinforcing the seriousness of the matter to the defendant. — *Judge Lloyd, Sr. Judge*
14. This is another practice that streamlines the Court and the parties time. I have had several instances before COVID that this this has been the situation and a client in jail but because the Court did not time to schedule a sentencing hearing, the defendant had to wait in jail (increasing the costs to the County and decreasing the ability of the Defendant to work on program credits at the prison system) for sometimes as long as a month. — *Kenneth Duker SPD*
15. I support this procedure. We are vastly more efficient being able to resolve cases in multiple counties by use of technology. — *Judge Werling, 7th District*
16. Good option if parties agree. — *Judge Shepherd, DAJ 7th District*
17. This would continue to be beneficial, even in limited circumstances. For instance, if the defendant is incarcerated elsewhere (especially out of state or in federal custody), our unresolved charge can delay their eligibility for discharge or work release. We also have defendants in long-term treatment programs where it would be helpful to resolve their case and get them on probation before discharging from treatment, but transportation back to Iowa to do that is impossible or impractical -- and runs the risk of them not returning to treatment after the hearing. It would also be helpful when the parties are in agreement for placement at an RCF or prison. — *Judge Salic, DAJ 2nd District*
18. This has worked very well. I would support the continuation of this accommodation. — *Judge Rattenborg, DAJ, 1st District*
19. See answers above. Strongly urge this to continue. — *Jennie Wilson-Moore, Wilson Law Firm*

20. Yes, frees up docket time! — *Dawn Landon, Sell Law, PLC*
21. Same as above (As with pleas, as long as the information needed to process the sentencing order is included with the filing, it's fine to continue this way, but that is not always happening and processing is delayed.) — *Karla Lester, Court Reporter*
22. Felony sentencings need to be done on the record. — *Sara Davenport, Jackson County Attorney*
23. This has worked for us. — *Tina Meth Farrington, Calhoun County Attorney*
24. This has been a good policy and should remain - it has been more efficient and speedy instead of trying to arrange for defendants to be brought to court from the jail — *Marti Nerenstone, Attorney*
25. This should continue. — *Martha Sibbel, Assistant Crawford Co. Attny*
26. Discontinue. — *State Appellate Defender Office, submitted by Martha Lucey*

Juvenile Law

19. Delinquency matters. Juvenile delinquency proceedings shall be subject to any of the foregoing criminal proceeding directives that by their nature would apply to juvenile delinquency cases.

Comments

1. Remote hearings have been particularly useful in delinquency proceedings where the defendant is in detention. It is safer and easier to have the defendant appear remotely for a detention review, plea, and sentencing. — *Steve Cooper, Asst. Dallas Co. Attny*
2. I do practice in juvenile court as an attorney, and I believe that continuing to do zoom or phone hearings should be a permanent option. — *Magistrate Mark Neary*
3. Video - conferencing for hearings has been very successful, generally. It is especially helpful for child clients who are in placement or shelter far from the home county — *Christine Sand, Wild, Baxter, & Sand, PLC*
4. As mentioned above, I think all the provisions worked well with the exception of one youth ordered to residential via GOTO Meeting. Juvenile Court Officers were able to maintain contact with their clients as needed in other areas and follow up on orders from disposition. — *Cindy Elgatian, JCO III, 7th District*
5. This would continue to be beneficial, even in limited circumstances. For instance, if the defendant is incarcerated elsewhere (especially out of state or in federal custody), our unresolved charge can delay their eligibility for discharge or work release. We also have defendants in

long-term treatment programs where it would be helpful to resolve their case and get them on probation before discharging from treatment, but transportation back to Iowa to do that is impossible or impractical -- and runs the risk of them not returning to treatment after the hearing. It would also be helpful when the parties are in agreement for placement at an RCF or prison. — *Judge Salic, DAJ 2nd District*

6. I am a court reporter in Juvenile Court. We should be hearing these matters in person. — *Kara Sullivan, CSR, RPR, 7th District*
7. Video hearings should continue to be authorized. Especially in rural areas, it will reduce the expense of counsel traveling to attend a brief hearing and expand the availability of attorneys. — *Sarah Rothman, Rothman Law Office*
8. Pre- hearings or initial hearings might be best service by a zoom conference. Adjudication and disposition should be in person. — *Shawn Lucas, JCO III*
9. I agree for all the same reasons given in non-juvenile criminal proceedings. — *Chief Judge Greve, 7th District*
10. Agreed this is good also. — *Judge Shepherd, DAJ 7th District*
11. This also has helped with judicial economy and should continue. — *Jennie Wilson-Moore, Wilson Law Firm*
12. While I do not practice criminal law, I do practice juvenile law. I don't believe I used any of the foregoing criminal proceeding directives during the last year, so I don't feel strongly that they are necessary. I'm not specifically opposed to any of them, other than the default of having hearings remotely. Clients are well served by seeing the judge in person, and having to go to a courthouse. It conveys a seriousness that video does not. — *Philip De Koster, De Koster & De Koster*
13. We have not had any juvenile delinquency matters during this time. — *Tina Meth Farrington, Calhoun County Attorney*
14. This has been a good policy and should remain — *Marti Nerenstone, Attorney*
15. I agree with this. — *Kim Hess, Clerk of Court*
16. This should continue. — *Martha Sibbel, Assistant Crawford Co. Attny*
17. Provided that the counsel for the delinquent has had significant and meaningful communication with the delinquent these matters, absent a requested in person trial, could and should continue virutally. — *Alexandra Nelissen, Advocate Law, PLLC*

20. Judicial discretion regarding remote technology in certain juvenile proceedings. Through June 30, 2021, juvenile courts may order that any proceeding under Iowa Code chapters 232, 232nd and 600A may be conducted

with the parties or participants appearing remotely by videoconference or telephone. This includes child-in-need-of-assistance adjudications, dispositional hearings, and terminations of parental rights. Any order directing a proceeding by videoconference or telephone may be entered over the objection of a party, but only after that party has an opportunity to be heard. If the juvenile court proposes a proceeding by videoconference or telephone, the presumption shall be in favor of going forth in that manner. Attorneys and self-represented litigants shall articulate in their objections the reasons constituting good cause for an in-person proceeding. Notwithstanding the foregoing, juvenile delinquency adjudication proceedings may be held by videoconference or telephone only by consent of the parties.

Comments

1. I would like to see this practice continued. — *Jeannette Keller, Bowman, DePree & Murphy*
2. As an attorney who practices in juvenile court, I believe this should be a permanent option. — *Magistrate Mark Neary*
3. I have done very little juvenile law so I don't feel comfortable taking a side on this issue. However, I do strongly feel that the juvenile/associate judge should have his/her own discretion as to handle these matters either in person or by remote videoconference. — *Chief Judge Greve, 7th District*
4. This is working - why change it? — *DeShawne Bird-Sell, Sell Law, PLC*
5. Agreed — *Elizabeth A. Rosenbaum, PC*
6. I beleive this provision should continue. As stated above, it can be very difficult for parties, parents especially, to get time off work, find transportation and child care, in order to attend a hearing. Parties can wait hours for a hearing that takes less than half an hour if they are required to be present in person. — *Christine Sand, Wild, Baxter, & Sand, PLC*
7. In limited circumstances this would be beneficial to continue. It would allow the juvenile court to balance whatever the extenuating circumstances are -- transportation, local disease outbreak, weather, damage to courthouse, etc. — *Judge Salic, DAJ 2nd District*
8. I do agree with this & having juvenile court via video. This assists our families who are working full time, do not have transportation, etc. — *Ashley Gross-VanGordon, Social Worker 3*
9. I practice heavily in juvenile law. I find the videoconferencing of hearings is extremely beneficial. Most juvenile hearings are brief and doing them by videoconference helps reduce client fees (thus saving money for the SPDO) as the attorneys can log on just before the hearing rather than traveling to courthouse. It also saves in mileage for

attorneys who practice in multiple counties. I haven't had clients with problems accessing the video. — *Victoria Noel, Noel Law Firm, PC*

10. As above, we have conducted the vast majority of hearings, but also staffings and family team meetings remotely. There are some downsides - harder to observe body language and reactions of parents to testimony, and perhaps has less impact on future behavior without the formality of in person hearings. But has been efficient and convenient for hearings from removal to termination. No reason not to continue. — *Steve Cooper, Asst. Dallas Co. Attny*
11. Pre-hearings or initial hearings might be best service by a zoom conference. Adjudication and disposition should be in person. — *Shawn Lucas, JCO III*
12. This provision should remain in effect. Especially in rural areas, juveniles are often placed out of the county and transportation can be a challenge for the parties. Video hearings reduce that burden. — *Sarah Rothman, Rothman Law Office*
13. As mentioned above, I believe the video process assisted parties in being present especially when they may not have made it to the court house for whatever reason. The process flowed for the most part once we all were past the learning curve. — *Cindy Elgatian, JCO III, 7th District*
14. Contested juvenile hearings, requiring reporting by an official court reporter, should be held in person. If a videoconference hearing is granted, certain rules should be required to be adhered to: Strong internet connection available; witnesses appearing by video (not cell phone) on separate devices in separate areas, etc. — *Karla Lester, Court Reporter*
15. No reason for in person juv hearings unless contested! — *Dawn Landon, Sell Law, PLC*
16. Agree with this — *Mark Strugeon, Court Reporter*
17. As mentioned above, I think the default of video conference does not serve the system well. Although it has increased access for people, it makes client communication around hearings more difficult. It also makes communication with parties more difficult. Many things were worked out in the time in between hearings, which does not happen in a remote setting. — *Philip De Koster, De Koster & De Koster*
18. Please keep this as well. — *Jennie Wilson-Moore, Wilson Law Firm*
19. Juvenile CINA hearings have been working relatively well by video conference; telephone hearings do not work well. I would welcome a continuing option to hold video conference hearings. TPR trials should only be held by video conference when the parties all agree because the stakes are so high. — *Patricia Meier, Midey, Erdahl, Meier & Araguas, PLC*
20. I think videoconference hearings for juvenile court has been positive and effective when done correctly by video and not telephone. It saves

parents time from having to miss work to travel and attend hearings. It allows parents who may not have childcare to attend hearings. It allows for hearings to be held timely and happen when scheduled. — *Amanda Ahrenstorff, DHS, Child Protection Worker*

21. The biggest problem with video conferencing in juvenile court matters is that most parents appear with audio only. This makes it difficult for them to know when others are talking. There is less client control and it puts the judge in a difficult position of letting this person disrupt the proceeding or choosing to 'mute' them so that we can proceed. I feel that if the proceeding were in person, the judge would have more control the proceeding. — *Tina Meth Farrington, Calhoun County Attorney*
22. I like allowing the judge to use his/her discretion for this. — *Kim Hess, Clerk of Court*
23. This has been a good policy and should remain - this appears to have allowed/enhanced more participation in these hearings by parents, providers and the youth themselves — *Marti Nerenstone, Attorney*
24. Having practiced for 20 years in this arena, and believing strongly in the importance of these proceedings, as a parents attorney, GAL, and children's attorney, I strongly support continuation of virtual hearings. These hearings have increased parental participation, have reduced "wait" time between hearings, and has gone extremely smoothly. In a year plus of proceeding in this manner I have only had one hearing with technical problems. — *Alexandra Nelissen, Advocate Law, PLLC*
25. This should continue. — *Martha Sibbel, Assistant Crawford Co. Attny*

Appellate Proceedings

21. Appellate oral arguments. At the appellate court's discretion, oral arguments may be conducted using videoconference or telephone through June 30, 2021. Additionally, at the court's discretion, cases previously scheduled for oral argument may be submitted nonorally. See Iowa R. App. P. 6.908(2).

Comments

1. Again, I am not an appellate judge but believe the appellate judges should have discretion on how to handle oral arguments. — *Chief Judge Greve, 7th District*
2. I haven't had this experience, but I have watched some oral arguments done remotely and it appeared to work well and was convenient for all involved. — *Steve Cooper, Asst. Dallas Co. Attny*
3. I believe it's appropriate for appellate procedures/oral arguments be done through videoconferencing. Again, this reduces fees and costs. — *Victoria Noel, Noel Law Firm, PC*

4. Agreed — *Elizabeth A. Rosenbaum, PC*
5. I believe it would be better to have in person arguments, as it improves the format. I watched an argument where no questions were asked, which does not serve the litigants, their attorneys, and the process well. — *Philip De Koster, De Koster & De Koster*
6. This should be a permanent change as well. — *Kiimberly DePalma SPD*
7. Beginning July 1, 2021, the appellate courts can revert back to ordinary pre-pandemic practice. Permitting oral argument by videoconference might make sense in some cases, for purposes of convenience and avoidance of unnecessary travel. — *Mike Carmony, Carmony Law Firm*
8. Agree on this one. Again, it is easier to appear and saves travel time and some cost. — *Libby Nelson, VP, General Counsel, Kemin Indust.*
9. I had an oral argument via video with the Iowa Supreme Court and it was a very good experience and via video saved a lot of expenses for my client in terms of travel time, hotel etc. It was also possible for my client to watch it live from his home without traveling to Des Moines. This could save a lot for the indigent defense budget and would be much appreciated in the winter when travel can be dangerous at times — *Priscilla Forsyth, Attorney at Law*
10. Makes perfect sense! — *Andrew Lietaow, Iowa Landlord Assoc.*
11. I believe this should be a permanent option. — *Magistrate Mark Neary*
12. Please maintain. — *Austin Peiffer, AG & Business Legal Strategies, An Uncommon Law Firm*
13. Appellate oral arguments are well suited to video conferences and I would be pleased to see the practice continue. Again, I don't believe telephone oral arguments are as effective. Telephone oral arguments should not be continued. — *Patricia Meier, Midey, Erdahl, Meier & Araguas, PLC*
14. I fully support remote oral arguments to reduce costs for clients. The oral arguments in which I participated were well-run by the court staff. — *Donna Miller, Miller, Zimmerman & Evans, PLC*
15. Retain. The Supreme Court and the Court of Appeals successfully used videoconferencing for oral arguments. The addition of the Court of Appeals YouTube Channel expanded access to the Court of Appeals oral arguments. The Appellate Rules Committee should discuss and consider adding this to the Rules. — *State Appellate Defender Office, submitted by Martha Lucey*

Electronic signatures

22. Signature on civil court documents—Iowa Rule of Electronic

Procedure 16.305(3). The court temporarily modifies rule 16.305(3) of the Iowa Rules of Electronic Procedure to allow a person to sign a civil court document electronically with “/s/” followed by the person’s typed full name or with “/person’s name/” through June 30, 2021. If the document is a civil court form that includes the signature block of identifying information, including the person’s address, telephone number, and email address, that information must be provided with the electronic signature. See Comment to Iowa Ct. R. 16.305(4).

Attorneys are permitted through June 30, 2021 to sign civil court documents for their clients with “/s/” if the attorney has received oral verification from the client that (a) the client desires to sign the document, (b) the client authorizes the attorney to sign on the client’s behalf, and (c) the client understands that the signature will bind the client as if the client signed the document personally. This temporary permission also applies to notices of appeal in termination-of-parental-rights and child-in-need-of-assistance cases. See Iowa Ct. R. 6.102(1)(a).

A notary public signature cannot be electronic “/s/” or “/person’s name/.” Notaries public are encouraged to follow the Iowa Secretary of State’s March 25, 2020 media release and any updated releases since that date. This temporary amendment of rule 16.305(3) is limited to civil matters only, including notice of appeal filings brought under chapter 232.

Comments

1. The modified signature rules were incredibly helpful in the family law arena. We were able to file pleadings, affidavits, stipulations, etc. much more quickly and to present the affidavit testimony of witnesses who would have been historically unavailable to provide such testimony. I would encourage the continued allowance of Adobe signed (or similar service) documents. — *Donna Miller, Miller, Zimmerman & Evans, PLC*
2. This has been the best thing for my rural practice. The flow is wonderful and access to courts happens much quicker with this in place! — *Dawn Landon, Sell Law, PLC*
3. Electronic signatures have worked well and should definitely be continued. — *Patricia Meier, Midey, Erdahl, Meier & Araguas, PLC*
4. I think this should kept. — *Anjela Shutts: Whitfield & Eddy Law, PLC; ISBA; ATJ Commission*

5. I believe this rule can stay the same. — *Traci Harper, Judicial Specialist IV*
6. Please maintain. Transmitting physical documents for signatures and maintaining original copies is a hassle. — *Austin Peiffer, AG & Business Legal Strategies, An Uncommon Law Firm*
7. I prefer obtaining client's signature so the client can not say down the road that they didn't know. — *Jennie Wilson-Moore, Wilson Law Firm*
8. Continue to allow. — *Amanda Ahrenstorff, DHS, Child Protection Worker*
9. I do NOT like the attorneys signing for clients. This will lead to problems down the road and potential liability for the attorneys. — *Deborah Petersen, Petersen Law, PLLC*
10. This rule has been extremely helpful and should be retained, with the modification that a written consent is permitted as well. For some clients, I'd much prefer to have their consent in writing, rather than oral. I believe having the consent in writing protects both attorneys and their clients. — *Philip De Koster, De Koster & De Koster*
11. This should continue. — *Martha Sibbel, Assistant Crawford Co. Attny*
12. Support this rule. — *Janine Sulzner, defendant in civil case & retired co. auditor*
13. I think this has been helpful and has increased efficiency. — *Kim Hess, Clerk of Court*
14. The temporary modification of Iowa Rule of Electronic Procedure 16.305(3) has worked very well and we would encourage the Court to make this temporary modification become permanent. — *Iowa Legal Aid*
15. As officer's of the Court, we should be allowed to continue to do this. — *Alexandra Nelissen, Advocate Law, PLLC*
16. This is also working and has been effective. Would love to see this continue as well. — *DeSjhawn Bird-Sell, Sell Law, PLC*
17. This has worked. — *Tina Meth Farrington, Calhoun County Attorney*
18. I would welcome continuing these measures. — *Virginia Wilber, Trent Law Firm, PLLC*
19. Makes sense, all the time! — *Andrew Lietaow, Iowa Landlord Assoc.*
20. Electronic signatures worked well as a document could be completed and signed and filed without ever having to print it . — *Cindy Elgatian, JCO III, 7th District*
21. Agreed — *Elizabeth A. Rosenbaum, PC*
22. Retain until no longer necessary per CDC guidelines. — *Judge Barrows, 7th District*

23. Attorneys have been electronically signing documents since EDMS went into effect in 2013 or so. As long as attorneys document in their file (or in the pleading) that they have complied with the temporary rule authorizing attorneys to sign their clients' names, I believe the efficiency of allowing this practice to continue outweighs the danger that a few attorneys may sign when they did not have their client's permission. — *Judge Currie, 2d District*
24. This is no longer necessary and criminal defendants should be required to physically sign given the potential for subsequent appeal and litigation. — *Judge Dalrymple, 1st District*
25. Seems like this should continue. — *Steve Cooper, Asst. Dallas Co. Attny*
26. Should be continued as a practice. — *Judge Shepherd, DAJ 7th District*
27. Agree or allow for digital signature certificates using Adobe digital certificates. It is free and date and time stamps the signature. The program will also lock the document for transmittal. — *Libby Nelson, VP, General Counsel, Kemin Indust.*
28. I believe this should be a permanent option. — *Magistrate Mark Neary*
29. This option was helpful and saved the time and effort of having to go to the office when working remotely. — *Melinda Zobel, DHS*
30. I have appreciated being able to use this rule to notarize affidavits, especially because they are required for temporary hearings. — *Michelle Lewon, Attorney at Law*
31. I have no problem with the first paragraph. I believe it is reasonable to extend the second paragraph beyond June 30, 2021 to allow attorneys to sign for clients, at least until there is less of a threat of COVID. Perhaps the CDC guidelines would be helpful here. — *Chief Judge Greve, 7th District*
32. I believe the client should still sign the document personally rather than through verbal authorization to an attorney. I would not personally feel comfortable signing it on my client's behalf just on verbal approval. Attorneys should be allowed to sign their own pleadings with /s/. — *Victoria Noel, Noel Law Firm, PC*
33. The temporary modification of Iowa Rule of Electronic Procedure 16.305(3) has worked very well and we would encourage the Court to make this temporary modification become permanent. — *Iowa Legal Aid*
34. Continue to allow. — *Amanda Ahrenstorff, DHS, Child Protection Worker*
35. This has worked. — *Tina Meth Farrington, Calhoun County Attorney*
36. I do NOT like the attorneys signing for clients. This will lead to problems down the road and potential liability for the attorneys. — *Deborah Petersen, Petersen Law, PLLC*

37. As officer's of the Court, we should be allowed to continue to do this. — *Alexandra Nelissen, Advocate Law, PLLC*
38. This should continue. — *Martha Sibbel, Assistant Crawford Co. Attny*
39. The modified signature rules were incredibly helpful in the family law arena. We were able to file pleadings, affidavits, stipulations, etc. much more quickly and to present the affidavit testimony of witnesses who would have been historically unavailable to provide such testimony. I would encourage the continued allowance of Adobe signed (or similar service) documents. — *Donna Miller, Miller, Zimmerman & Evans, PLC*
40. I think this has been helpful and has increased efficiency. — *Kim Hess, Clerk of Court*

Family Law

23. Judicial discretion regarding video conferencing in non-custodial family law trials. Non-custodial family law trials may be conducted by video conference, but not by telephone, over the objection of a party, after an opportunity to be heard. Attorneys and self-represented litigants shall articulate in their objections the reasons constituting good cause for an in-person trial.

Comments

1. I believe they should all go back to in person hearings. If it is not allowed to be over the phone there are some pro se parties that do not have access to do video conference and it poses a problem from time to time. — *Traci Harper, Judicial Specialist IV*
2. Agreed — *Elizabeth A. Rosenbaum, PC*
3. I believe this should be a permanent option. — *Magistrate Mark Neary*
4. This should be kept. See my comments above. (I would strongly encourage the Court to keep these as options for hearings such as hearings on temporary matters or hearings on motions.) — *Anjela Shutts: Whitfield & Eddy Law, PLC; ISBA; ATJ Commission*
5. I previously practiced family law and it sure seems like based upon my experience doing juvenile and criminal hearings that a remote format would work well especially for shorter more limited hearings like temporary matters or a 236 hearing. — *Steve Cooper, Asst. Dallas Co. Attny*
6. Needs to be in person unless consent — *Dawn Landon, Sell Law, PLC*
7. This has been a welcome change. — *Michelle Lewon, Attorney at Law*

8. This is the practice area with the greatest risk, in my experience. I have too many witnesses appearing and being obviously coached by someone off camera. Also, we have a significant minority of users who cannot follow rules and cause distraction due to their dress, their environment or their conduct that would not happen in a Courtroom. However, on balance, the efficiency probably makes it worth while. At least I believe so. — *Judge Werling, 7th District*
9. Now longer necessary. Will likely NEVER grant the request over an objecting party. — *Judge Dalrymple, 1st District*
10. I agree with continuing this practice. It keeps the court on schedule and reduces fees and costs. — *Victoria Noel, Noel Law Firm, PC*
11. It simply depends on the case, the number of witnesses, etc. For shorter hearings this should continue to be an option. In those cases where credibility findings are paramount remote hearings do not work as well. The Court should continue to have discretion. — *Judge Barrows, 7th District*
12. This provision should continue. — *Sarah Rothman, Rothman Law Office*
13. Videoconferences can save parties significant money - where attorneys are required to travel to a court house as well as participate in trial. I believe that the parties have identical rights and ability to participate in a hearing via video-conference as they do in person. — *Christine Sand, Wild, Baxter, & Sand, PLC*
14. I believe this should remain as it creates less ability of one party to play games with another by refusing to agree to a videoconference hearing. This should be left to a judge's discretion. — *Chief Judge Greve, 7th District*
15. Doing this by consent should continue. However, Judges should have the discretion to allow video witness testimony over objection in all cases. — *Chief Judge Drew, 2d District*
16. This one is more difficult. I believe it has helped cases get into court, but it is no longer necessary. It is much easier to all be in the same place. Being in the same place allows for possible settlement. I also feel that a Judge can better evaluate the parties in person. — *Jennie Wilson-Moore, Wilson Law Firm*
17. Noncustodial family law trials requiring reporting by an official court reporter should be held in person. If a videoconference hearing is granted, certain rules should be required to be adhered to: Strong internet connection available; witnesses appearing by video (not cell phone) on separate devices in separate areas, etc. — *Karla Lester, Court Reporter*
18. Non-custodial family law trials should be conducted by video conference only upon consent of the parties. — *Patricia Meier, Midey, Erdahl, Meier & Araguas, PLC*
19. I absolutely hope this continues! Holding family law cases by Zoom has been very well-received, has allowed the trial courts to continue trying

cases during COVID instead of continuing the heavy family law dockets to future dates. I believe attorneys should learn how to make the most efficient use of Zoom (some are better than others with sharing exhibits, using break out rooms, etc.) and make this routine. — *Judge Currie, 2d District*

20. I like leaving this up to the judge's discretion. — *Kim Hess, Clerk of Court*
21. I have not had experience with this, but have heard positive reactions. — *Alexandra Nelissen, Advocate Law, PLLC*
22. I participated in a number of remote trials (one to three days each) during the Covid period. While there were some technology issues, we were able to present witnesses who we never would have been able to have if we were in-person. I am concerned, however, with the quality of the transcript from some of the trials if there had been an appeal, as I am sure there were portions of testimony that were not decipherable by the reporter. — *Donna Miller, Miller, Zimmerman & Evans, PLC*
23. We would generally support maintaining this rule as long as all parties have access to technology to ensure their ability to fully and fairly participate. — *Iowa Legal Aid*

24. Judicial discretion regarding video conferencing in custodial family law trials. Custody trials may be held by video conference by consent of the parties. In addition, when the best interests of the child require court action regarding a time-sensitive issue (e.g. determination of a school district for a child's enrollment where there is no agreement between the parents) the court shall have discretion to hold a hearing by video-conference over a party's objection after an opportunity to be heard.

Comments

1. Custodial family law trials requiring reporting by an official court reporter, should be held in person. If there is good cause for a videoconference hearing to be granted, certain rules should be required to be adhered to: Strong internet connection available; witnesses appearing by video (not cell phone) on separate devices in separate areas, etc. — *Karla Lester, Court Reporter*
2. Agreed, but I always think that custody trials are best held in person. — *Elizabeth A. Rosenbaum, PC*
3. Makes perfect sense. — *Andrew Lietaow, Iowa Landlord Assoc.*
4. Doing this by consent should continue. However, Judges should have the discretion to allow video witness testimony over objection in all cases. — *Chief Judge Drew, 2d District*
5. I agree this should remain. It requires both parties to consent. In the even of a time-sensitive issue, a judge may decide to have a hearing by

videoconference; however, the parties are given the opportunity to have a hearing on that first. These procedures seem to protect everyone. — *Chief Judge Greve, 7th District*

6. Again, I believe continuing this provision would be beneficial to my clients. When scheduling hearings, transportation time must be taken into account if in person; with video hearings, many dates and times can be opened up when that consideration is removed. — *Christine Sand, Wild, Baxter, & Sand, PLC*
7. I believe short evidentiary hearings (scheduled for an hour or less) should be held remotely. However, I believe extended hearings should be in person if possible. — *Victoria Noel, Noel Law Firm, PC*
8. In many family trials there were only a handful of witnesses, the two parents and a couple family members, so it seems like it would be easy to conduct that hearing remotely. — *Steve Cooper, Asst. Dallas Co. Attny*
9. I believe this should be a permanent option. — *Magistrate Mark Neary*
10. See 23 above. One added comment is that if you have a contested custody matter, almost always it is longer than 3 hours and we won't allow them to be via Zoom. They must then be in person. — *Judge Werling, 7th District*
11. No longer necessary. Will likely NEVER grant the request even with consent of both parties. — *Judge Dalrymple, 1st District*
12. I strongly urge the Supreme Court to authorize trial courts to continue holding custody trials by Zoom, and I ask that the judge be given discretion to hold a trial by Zoom even over a party's objection, depending on the circumstances. In the event of bad weather, one party being out of the county or state, or a time-sensitive issue, a trial court needs discretion to decide whether an objection is made in good faith. — *Judge Currie, 2d District*
13. It simply depends on the case, the number of witnesses, etc. For shorter hearings this should continue to be an option. In those cases where credibility findings are paramount, as is true in most custody cases, remote hearings do not work as well. — *Judge Barrows, 7th District*
14. This provision should continue. — *Sarah Rothman, Rothman Law Office*
15. I believe that court hearings need to resume in person hearings. — *Traci Harper, Judicial Specialist IV*
16. That is fine. — *Dawn Landon, Sell Law, PLC*
17. Same as above. (This one is more difficult. I believe it has helped cases get into court, but it is no longer necessary. It is much easier to all be in the same place. Being in the same place allows for possible settlement. I also feel that a Judge can better evaluate the parties in person. — *Jennie Wilson-Moore, Wilson Law Firm*

18. This policy should be continued. — *Patricia Meier, Midey, Erdahl, Meier & Araguas, PLC*
19. This should be kept. See my comments above. (I would strongly encourage the Court to keep these as options for hearings such as hearings on temporary matters or hearings on motions.) — *Anjela Shutts: Whitfield & Eddy Law, PLC; ISBA; ATJ Commission*
20. I would like to see this continue. — *Jeannette Keller, Bowman, DePree & Murphy*
21. I participated in a number of remote trials (one to three days each) during the Covid period. While there were some technology issues, we were able to present witnesses who we never would have been able to have if we were in-person. I am concerned, however, with the quality of the transcript from some of the trials if there had been an appeal, as I am sure there were portions of testimony that were not decipherable by the reporter. — *Donna Miller, Miller, Zimmerman & Evans, PLC*
22. I like leaving this up to the judge's discretion. — *Kim Hess, Clerk of Court*
23. The Court should continue to allow parties the option of holding custodial family law trials by videoconferencing when the parties consent. — *Iowa Legal Aid*
24. These hearings have gone extremely well and with little to no problems and I am in favor of the choice to have these continue in this manner. — *Alexandra Nelissen, Advocate Law, PLLC*

25. Online courses. District courts may approve attendance at an online course for purposes of compliance with Iowa Code section 598.15 (required course for cases involving child custody or visitation) through June 30, 2021.

Comments

1. No objection but look forward to live judiciary conferences soon. — *Judge Dalrymple, 1st District*
2. This rule should be allowed to expire. It is not too much to ask for a parent to have to invest some time in actually attending and participating in this course for the benefit of their children. — *Judge Lloyd, Sr. Judge*
3. Good option, should be continued. — *Judge Shepherd, DAJ 7th District*
4. Probably a good idea. — *Judge Werling, 7th District*
5. This is 2021. People routinely take online courses for school. They should be allowed to take an online Children in the Middle course that can fit around their work and family schedule instead of mandating that people appear on a Saturday morning (or whenever a specific class

is set). Furthermore, the classes are typically once a month - this gives a party flexibility to find a class that may not be in the area but is sooner. — *Judge Currie, 2d District*

6. I believe this should be a permanent option. — *Magistrate Mark Neary*
7. This is great! — *DeSjhawn Bird-Sell, Sell Law, PLC*
8. KEEP THIS. I hear over and over that our in-person class (3rd District) is sub-par. My clients have gotten better results with an online class. We should work towards establishing an Iowa specific class that would work. — *Michelle Lewon, Attorney at Law*
9. SHOULD KEEP THIS. — *Ryan Dale, Attorney at Law*
10. Agree. This will be easier for parents with child care issues and will allow for timely completion of the courses online. — *Libby Nelson, VP, General Counsel, Kemin Indust.*
11. Retain — *Judge Barrows, 7th District*
12. Should definitely continue. — *Steve Cooper, Asst. Dallas Co. Attny*
13. Yes !! We have been requesting this for years. It should be permanent - not just through June 30th. — *Elizabeth A. Rosenbaum, PC*
14. I absolutely believe the Court should continue to approve online Children in the Middle. It is a great convenience to clients. If it is accepted now, it should continue to be acceptable in the future. — *Victoria Noel, Noel Law Firm, PC*
15. This was a great benefit to do remotely. It saved time in travel as well as other expenses for travelling for a course. — *Cindy Elgatian, JCO III, 7th District*
16. I see not reason why this provision should not continue, so long as there is not credible information that the on-line courses are not as effective. — *Christine Sand, Wild, Baxter, & Sand, PLC*
17. Yes, this should remain. It is helpful for parents and research is showing people are getting more from these courses than in-person courses. — *Chief Judge Greve, 7th District*
18. Makes sense. — *Andrew Lietaow, Iowa Landlord Assoc.*
19. I feel like it is a good thing to have the Children in the Middle class online. — *Traci Harper, Judicial Specialist IV*
20. Please keep this one. Especially in rural areas, it is difficult to drive somewhere for a CLE while still maintaining the private practice. — *Jennie Wilson-Moore, Wilson Law Firm*
21. This should continue. — *Jeannette Keller, Bowman, DePree & Murphy*

22. This should be kept in place. I think it alleviates some issues for parents such as finding child care, etc. — *Anjela Shutts: Whitfield & Eddy Law, PLC; ISBA; ATJ Commission*
23. This has been perfect!!! — *Dawn Landon, Sell Law, PLC*
24. Great idea. — *Shawn Lucas, JCO III*
25. I feel this has worked very well. In fact I think parties are getting their online courses completed faster since they can do them online as opposed to in person. — *Jeannine Leibold, Judicial Specialist II*
26. This policy should be continued. — *Patricia Meier, Midey, Erdahl, Meier & Araguas, PLC*
27. With no emergency situation I think coming up with an approved list of on line courses would be appropriate. — *Alexandra Nelissen, Advocate Law, PLLC*
28. The ability to attend these classes online has been hugely beneficial. It minimizes issues with childcare and transportation as well as limiting the need for participants to take time off from work. It also may encourage the creation of the program in other languages to meet the needs of Iowans who have limited English proficiency. The Court should allow online classes to meet the requirements of Iowa Code §598.15 on a permanent basis. — *Iowa Legal Aid*
29. This was very helpful for my clients. From discussions with my clients, I do not believe the in-person classes are more informative than the on-line classes and allow more flexibility. — *Donna Miller, Miller, Zimmerman & Evans, PLC*
30. I think this was a good idea and I am in favor of continuing this. — *Kim Hess, Clerk of Court*

26. Child custody, care, or visitation. For purposes of determining a parent's right of physical custody, care, or visitation to a child under a previously entered court order, any custody, visitation or care schedule that is related to a school schedule shall be uniformly interpreted to refer to the school schedule for the school where the child attends that was in place prior to any school closure or suspension caused by the COVID-19 virus. Custody, care, or visitation of a child shall follow a schedule as if school is in session and shall not be impacted or modified by the school closure. A school closure caused by the COVID-19 virus does not extend or modify a parent's custody, care, or visitation beyond any period designated in a prior court order. A school closure caused by the COVID-19 virus does not amount to an extension of a holiday, winter, spring, or summer break.

Nothing contained in this order prevents both parents of a minor child from mutually agreeing to modify a previous court order. Nothing contained in this order prevents a court from altering, amending, modifying, clarifying, or enforcing court orders within its sound discretion and consistent with the law of this State. Further, this order does not limit the ability of the court to hear and address emergency matters on a case-by-case basis in the discretion of the court.

Comments

1. Makes sense to me to operate visitation as if virtual school was regular school. That way the child is with the parent who is prepared and knowledgeable about what the child needs to complete school. — *Steve Cooper, Asst. Dallas Co. Attny*
2. The Judge should determine custody, care and visitation and it should not have anything to do with the schools scheduling and rules. — *Traci Harper, Judicial Specialist IV*
3. Until the threat of school closures due to Covid outbreaks is clearly behind us, this policy should continue. — *Patricia Meier, Midey, Erdahl, Meier & Araguas, PLC*
4. Good! — *Dawn Landon, Sell Law, PLC*
5. I agree custody and visitation orders and schedules should remain in place regardless of COVID-19 school closures, etc. — *Victoria Noel, Noel Law Firm, PC*
6. This was helpful. — *Michelle Lewon, Attorney at Law*
7. As all schools are either back in session or will be resuming in the fall, I do not believe this is necessary any longer. — *Magistrate Mark Neary*
8. Agree with this approach. — *Libby Nelson, VP, General Counsel, Kemin Indust.*
9. This was a very wise rule making decision by the Court. I support this. — *Judge Werling, 7th District*
10. No objection. — *Judge Dalrymple, 1st District*
11. I think this has been incredibly important. I have seen a lot of disputes revolving around these issues and appreciated having the court supervisory order to rely on making my ruling. I don't know if the school closures may continue into the fall, but in the event they do, I think this should remain in place to avoid future litigation on these issues. — *Judge Currie, 2d District*
12. Retain until school schedules return to normal, As most have in Iowa, this issue no longer comes up as often. — *Judge Barrows, 7th District*
13. Yes - agreed/. — *Elizabeth A. Rosenbaum, PC*

14. Yes, this should remain until there are no more COVID school issues. — *Chief Judge Greve, 7th District*
15. Not necessary anymore. — *Jennie Wilson-Moore, Wilson Law Firm*
16. We appreciated this blanket rule that, while not always welcomed by clients, at least provided a consistent starting point for interpreting visitation issues. — *Donna Miller, Miller, Zimmerman & Evans, PLC*

Office of Professional Regulation

27. Electronic complaint submissions. Complaints against attorneys pursuant to Rule 35.2, claims of the unauthorized practice of law pursuant to Rule 38.5, and claims for reimbursement from the Client Security Commission pursuant to Rules 39.9 and Chapter 40, may be made through June 30, 2021 using an electronic submission form, which will be available on the court's website.

Comments

1. Ok to retain — *Deborah Petersen, Petersen Law, PLLC*
2. Makes sense, all the time. — *Andrew Lietaow, Iowa Landlord Assoc.*
3. I agree with this procedure. — *Chief Judge Greve, 7th District*
4. Agreed — *Elizabeth A. Rosenbaum, PC*
5. No objection. — *Judge Dalrymple, 1st District*
6. I believe this should be a permanent option. — *Magistrate Mark Neary*
7. Seems like it might be a little too easy to complete a complaint if it can be submitted electronically. Having to complete the form in writing seems like a good screening tool to make sure people are serious about filing the complaint. — *Steve Cooper, Asst. Dallas Co. Attny*
8. I believe electronic complaints should be allowed. — *Victoria Noel, Noel Law Firm, PC*
9. Sounds efficient. — *Tina Meth Farrington, Calhoun County Attorney*
10. Retain. — *State Appellate Defender Office, submitted by Martha Lucey*
11. Please maintain. — *Austin Peiffer, AG & Business Legal Strategies, An Uncommon Law Firm*

28. Remote hearings. Hearings set forth in Chapters 31, 34, 35, 36, 42, 46, and 47 shall be held through June 30, 2021 by videoconference or telephone.

However, upon request of the respondent, Chapter 36 hearings shall be held in person.

Comments

1. No objection. — *Judge Dalrymple, 1st District*
2. Again, in person is best when assessing someone's livelihood and future — *Deborah Petersen, Petersen Law, PLLC*
3. I agree with this procedure. — *Chief Judge Greve, 7th District*
4. Retain — *Judge Barrows, 7th District*
5. I believe this should be a permanent option. — *Magistrate Mark Neary*
6. Any hearing more than one hour in length and/or with witnesses and required to be reported by an official court reporter should be held in person whenever possible. If a videoconference hearing is granted, certain rules should be required to be adhered to: Strong internet connection available; witnesses appearing by video (not cell phone) on separate devices in separate areas, etc. — *Karla Lester, Court Reporter*
7. Holding hearings by video reduces the burden on the parties to travel to Des Moines from all corners of the state. If possible, it should continue to be an option. — *Sarah Rothman, Rothman Law Office*
8. Does have some limitations in judging credibility due to limited view of body language, but otherwise seems appropriate. — *Steve Cooper, Asst. Dallas Co. Attny*
9. I believe a remote hearing should be allowed. — *Victoria Noel, Noel Law Firm, PC*
10. Please maintain. Again, this is something that has long seemed like it should be possible, and the pandemic has proven it is possible. — *Austin Peiffer, AG & Business Legal Strategies, An Uncommon Law Firm*
11. I think anything that can be still done by video or phone should still be. — *Jennie Wilson-Moore, Wilson Law Firm*
12. Probably a good rule. I think this is basically the rule we follow now. — *Judge Werling, 7th District*
13. Agreed — *Elizabeth A. Rosenbaum, PC*
14. I presently serve on the Grievance Commission. I have no objection to conducting these hearings by videoconference (but not by phone) with the consent of the respondent. — *Mike Carmony, Carmony Law Firm*

29. Electronic filing. All parties to Grievance Commission proceedings shall participate in the electronic filing option set forth in Rule 36.6 through June 30, 2021. This includes matters that are currently in litigation.

Comments

1. No objection. — *Judge Dalrymple, 1st District*
2. I agree with this procedure. — *Chief Judge Greve, 7th District*
3. Retain — *Judge Barrows, 7th District*
4. I believe this should be a permanent option. — *Magistrate Mark Neary*
5. I believe this should be a permanent option. — *Magistrate Mark Neary*
6. Makes sense. — *Steve Cooper, Asst. Dallas Co. Attny*
7. I believe electronic filing should continue. — *Victoria Noel, Noel Law Firm, PC*
8. Please maintain. — *Austin Peiffer, AG & Business Legal Strategies, An Uncommon Law Firm*
9. OK — *Deborah Petersen, Petersen Law, PLLC*
10. Retain. — *State Appellate Defender Office, submitted by Martha Lucey*
11. Agreed — *Elizabeth A. Rosenbaum, PC*

30. Client Security Commission. The Client Security Commission is hereby authorized through June 30, 2021 to be appointed as a trustee under Rule 34.17 and Rule 34.18 without need for supreme court confirmation. Upon termination of a Rule 34.17 or Rule 34.18 trusteeship or upon the request of the Client Security Commission, all remaining attorney files may be ordered immediately destroyed.

Comments

1. I agree with this paragraph. — *Chief Judge Greve, 7th District*
2. Agreed — *Elizabeth A. Rosenbaum, PC*
3. No objection. — *Judge Dalrymple, 1st District*
4. I believe this should be a permanent option. — *Magistrate Mark Neary*
5. Makes sense. — *Steve Cooper, Asst. Dallas Co. Attny*
6. I agree this rule continue. — *Victoria Noel, Noel Law Firm, PC*

7. OK — *Deborah Petersen, Petersen Law, PLLC*
8. Please maintain. — *Austin Peiffer, AG & Business Legal Strategies, An Uncommon Law Firm*

Forcible Entry and Detainer

31. Forcible entry and detainer proceedings. The court is continuing to monitor issues concerning the CARES Act and the CDC Evictions order regarding the potential need for a further order updating existing supervisory order provisions.

Comments

1. Not my area but seems like a population that would be hard to get good contact information for to allow them to participate. If the process went on longer like a criminal or juvenile case it allows for their attorney to get in good communication so the client develops an understanding of what to expect going forward. — *Steve Cooper, Asst. Dallas Co. Attny*
2. The Court's engagement on FEDs throughout the pandemic has been critically important to litigants and practitioners across the state. During the last few months, requests for assistance with evictions have come to dominate Iowa Legal Aid's caseload – evictions are about 25% of new cases opened in normal times, but since January 2021 have grown to almost 45%.

We have seen two prior spikes in filings over the last year, the biggest of the two being in August 2020 and we believe attributable to the end of the \$600 per week unemployment supplement. We anticipate that another spike in new filings may occur in June 2021, when both the CDC moratorium and CARES Act unemployment benefits are slated to end in Iowa.

This is all set against a backdrop of a steady rise in eviction filings that began long before the pandemic. From 2016 to 2019, statewide eviction filings increased by approximately 20%. Polk County's eviction filing rate rose at an even higher level at 27%, but increases were also felt in other less populated parts of the state – for example, a 25% increase in Webster and a 49% increase in Woodbury.

This surge in demand has created the need for internal changes at Iowa Legal Aid, including creating a separate centralized statewide intake unit exclusively for evictions. Tenant help desks are now open in three courthouses – Polk, Black Hawk, and Linn – which offer both legal and financial resources to Iowans facing eviction. These help desks offer better outcomes to both landlords and tenants, and focus on resolving the generally economic issues underlying over 90% of Iowa evictions.

The help desks have also helped us more clearly understand the disproportionate effect that eviction has on people of color and children.

We believe these programs will be an important tool for access to justice even after the pandemic ends and should be encouraged across the state. One important change would be for these programs to become a permanent feature of eviction courts across the state. Direct engagement by the Supreme Court to strengthen the current programs and encourage the creation of new instances would serve litigants on all sides of the table, and improve the quality of justice. We would be happy to discuss this issue further with the Court if there is interest. — *Iowa Legal Aid*

3. OK — *Deborah Petersen, Petersen Law, PLLC*
4. Communication about the updates could be better to the magistrates who conduct the FED hearings. — *Katrina O'Brien, Magistrate Court Attendant*
5. I believe the CDC eviction guidelines need to be lifted. The landlords still have to pay their mortgages and they should be compensated by their tenants. There are plenty of jobs available for people out there to work and pay their bills. — *Traci Harper, Judicial Specialist IV*
6. Should the CARES Act Addendum be missing at the time of the hearing, the party should be allowed to submit the form within 24-hours. When a tenant/defendant submits the signed CDC Declaration, yet has not obtained funds, they should have to submit a letter from the agencies they contacted showing they were turned down. Otherwise, FED's should be granted for lack of diligent effort by the tenant/defendant. — *Andrew Lietaow, Iowa Landlord Assoc.*
7. We need to continue to follow the CARES Act and CDC Evictions orders. In District 7, we will be conducting FED cases in person. — *Chief Judge Greve, 7th District*
8. I believe that this needs to continue. I further believe that more information should be provided to magistrates regarding the current status of the moratorium. I am aware of different magistrates within the same county handling eviction cases in completely different manners. — *Magistrate Mark Neary*
9. Agreed — *Elizabeth A. Rosenbaum, PC*
10. Continue this. — *Jennie Wilson-Moore, Wilson Law Firm*

Temporary Email Filings

32. Temporary authorization of filing by email for certain nonregistered self-represented and exempt persons. Through June 30, 2021, the court temporarily authorizes filing by email (a) for all self-represented persons who have not already registered for EDMS and (b) for all persons excused from the EDMS registration and electronic filing requirements pursuant to rule 16.302(3) who have not already registered for EDMS filing. Persons who are

already registered EDMS filers must continue to file all court documents through the EDMS system as usual. To file by email, the self-represented or exempt person must first contact the appropriate clerk of court to get the appropriate email address to receive the filing. The self-represented or exempt person must then email the filing to the clerk in PDF format, who will then file the document.

The document should not be considered filed until the self-represented or exempt person receives a confirmatory email from the clerk that the filing has been made. The clerk's acceptance of such emailed documents does not waive the filer's obligation to comply with court rules regarding appropriate redaction and service of the emailed documents. Notwithstanding any provision of chapter 16 of the Iowa Court Rules, small claims actions may be filed in paper (not only EDMS) through June 30, 2021.

Comments

1. I'm not sure how difficult it is to register for EDMS, so I'm not sure I should comment. — *Steve Cooper, Asst. Dallas Co. Attny*
2. I believe all filings should be through EDMS. It is no more difficult to register and file through EDMS than email. — *Victoria Noel, Noel Law Firm, PC*
3. They should register like everyone else. Not agreed. — *Elizabeth A. Rosenbaum, PC*
4. Makes sense, even after June 30, 2021, though the court should authorize a program for certification of Legal Document Preparers (such as in Arizona, Washington, or Utah) that would facilitate Pro Se litigants to use the EDMS system, as was the original intention of the Judicial Branch. If the clerks are going to file documents into the EDMS system, shouldn't there be an option for a Legal Document Preparer to do the same? — *Andrew Lietaow, Iowa Landlord Assoc.*
5. We should require all persons, pro se or not, to comply with Chapter 16 of the Iowa Court Rules and be a registered filer or get an exemption from a judge or Clerk of Court. — *Chief Judge Greve, 7th District*
6. Discard — *Judge Barrows, 7th District*
7. This has helped self-represented individuals. Perhaps it has caused some additional work for clerks. No strong opinion on this one. — *Jennie Wilson-Moore, Wilson Law Firm*
8. I would defer to the clerks of court for input on how much of a burden this places on their staffs. If it is not significant, then I believe the process should be made permanent because many of the parties, especially in small claim cases, do not have sufficient computer skills to use EDMS. — *Magistrate Mark Neary*

9. Persons impacted by court matters should not be required to file documents electronically. A person should be able to go to the County Clerk's Office and have the staff file the document on their behalf. Not every person has access to, nor sufficient ability to use, technology, and that should never impact their access to our judicial system. — *Janine Sulzner, defendant in civil case & retired co. auditor*
10. I think this has worked fine but does put an additional burden on the clerk's office. — *Kim Hess, Clerk of Court*
11. No objection. — *Judge Dalrymple, 1st District*

Other/General Comments

1. I feel that working remotely or as a hybrid was beneficial. It allowed me maintain contact with the office, clients and the courts and to focus on the work and complete it. The only thing these changes did not allow for was for the visits to residential and to other agencies and schools due to COVID restrictions. These are now changing. — *Cindy Elgatian, JCO III, 7th District*
2. In all, I believe that the Supreme Court's administration during this pandemic has been exceptional. Now that all the mechanisms are solidly in place - secure, reliable conferencing services, I feel that most of these provisions, especially those regarding use of video-conferencing for hearings and appearances, should continue. My clients all appreciate not having to take time off work, find childcare and transportation to attend court. I have seen no reduction in my clients' participation levels, and in fact, they are more likely to participate if they can by videoconference. As a practical matter, videoconferencing as a contract attorney with the State of Iowa is much easier to commit to, given that travel time is not paid by the SPD and in-person court service days often require a four hour commitment for sometimes very short hearings. — *Christine Sand, Wild, Baxter, & Sand, PLC*
3. COVID has clearly changed the way we do our judicial business. However, the use of videoconferencing is something that was probably going to happen very soon in the future anyway. The world is changing and more and more people expect to be able to handle things remotely through the use of computers. Court reporters and some judges want everything in person like before. However, that is misguided as it ignores the time, energy and expense videoconferencing has saved judges, clerks, court administration, juvenile court services, magistrates and attorneys. In addition, counties and jails have spent significant amounts of money to upgrade their videoconference abilities and like not having to transport prisoners so much which takes up their time away from other law enforcement duties. For the Record, excellent videoconferencing should alleviate hearing issues for court reporters. — *Chief Judge Greve, 7th District*

4. If access to Justice is a major goal of Judicial branches all across the country, I firmly believe a program of training and recurring certification of Legal Document Preparers would expand resident's ability to access the court adjudication process. It's been 20 years in the making and evolution of this program in Arizona, and they have worked out most of the issues, such that theirs would be a model program for Iowa. Contact me at (515) 274-0300 for more information. The Judicial Branch could undertake this effort all on your own, without the need for the Legislative Branch to even get involved, through "Rules and Procedures". — *Andrew Lietaow, Iowa Landlord Assoc.*
5. I honestly think the court system has a chance to not be antiquated any longer, this is the opportunity to cultivate into the world of technological advancements. It has been demonstrated over the past year that impediments have been overcome via technology and the use of it. This should be a time to develop ourselves to becoming more progressive in our thinking. Look how far we have come in going paperless, just think how far we could go via video conferences and telework. We simply need to look to the future more optimistically and with fervor. — *Alysia Beam, Judicial Specialist IV*
6. Thank you for all the effort that has gone into creating and maintaining policies that keep us all safer during the pandemic. — *Patricia Meier, Midex, Erdahl, Meier & Araguas, PLC*
7. Please also address the issue of where remote hearings can be done. In D7, we are required to report remote hearings from a courthouse. This has caused many unforeseen issues to include courthouse noise from phones ringing and necessary conversations between staff, bathroom toilets flushing, competing Zoom hearings in adjoining offices, connection drag and bandwidth drag if too many people are online at the same time, and feedback. Another major issue is that we do not have enough private office space to accommodate Zoom hearings at the courthouse. This new technology should bring about increased flexibility and efficiency as well as decreased costs in travel, etc., but this requires a change in thinking about how and where we do our jobs and it should be a consistent policy across all judicial districts. — *Karla Lester, Court Reporter*
8. I appreciate the stance the judicial branch has taken during this pandemic. It does make it harder to enforce when people argue "Well, the governor said...." I am ready to trust the CDC and loosen those policies at this time, however, once given the go-ahead — *Mark Strugeon, Court Reporter*
9. While I didn't see it addressed here, and it may not even be an issue any longer, I also do not like working from home. My home is small and not meant to be used as an office, and I also was unable to connect my personal MFU to my state computer except for printing. To scan, I would have to scan to my iPad or personal computer and then e-mail it to myself. — *Beverly Bleigh, Court Reporter*
10. While credibility determinations are easier to make in person, there are many things we do every day in person that could just as easily be done via video or on paper. I practice primarily in criminal defense and

appeals. My experience over the past year in both areas has been very positive and I'd like to see it continue. I know the smaller counties have trouble finding lawyers to handle criminal matters. When there is no reimbursement for travel time, it's hard for many defense lawyers to take the cases for as little as they pay. However, if many of the hearings can be held via video or on paper, there may be more attorneys willing to accept cases in under served counties as they wouldn't lose money on the windshield time to and from court. — *Priscilla Forsyth, Attorney at Law*

11. Email: I question whether it is legal for you to require masks for unvaccinated people but not others. I would think that vaccination information is private. By requiring the wearing of a mask by only some individuals, you are essentially requiring the disclosure of personal health information. Additionally, it seems unenforceable unless you are going to require proof of vaccination before giving permission to go maskless. It seems that the courts will be restricting access to justice to some of the public but not others. You should either require masks or not. You are wading into new territory by being selective about requiring masks. — *Kelly Goodwin-Ackerman*
12. While challenging, the pandemic has also forcibly taught many members of the legal profession how to utilize technology to replace in-person activities. While the bar may lose out on chance meetings in courthouse hallways, conversations about families before court, and lunches together at the restaurant across the street from the courthouse, I think it's indisputable that our clients are better served by the changes the pandemic has imposed on the bar. While in-person court will never (and should not) disappear entirely, there are many more things that can be done virtually than we ever thought before, and there may still be more that could be transitioned to that modality. Don't be satisfied with just maintaining some or all of the changes made over the past fourteen months, use them as a springboard to further experiments in technology usage. Also, doc. #s on EDMS. Please add them! — *Austin Peiffer, AG & Business Legal Strategies, An Uncommon Law Firm*
13. Thank you for taking the time to see which of these "short-term, emergency" protocols could be adopted to benefit the practice of law and the judicial system. I believe that speaks well of Iowa's courts. — *Philip De Koster, De Koster & De Koster*
14. As you can see, most of my comments relate to recent personal experience in a civil matter. A September 2020 trial had to be delayed due to COVID which was extremely disappointing. My primary concerns are that judicial processes should not be conducted remotely. Courtrooms are large enough to accomodate those persons impacted by the matter, and it is just extremely important that parties can see each other. Body language, facial expressions, etc. are very important. Having "lived through" 2020 as a county auditor (now retired) and responsible for the courthouse, we had sufficient safety protocols in place that would have allowed the court system to open up much sooner that it did, in fact, given a short amount of time for reasonable discussion (and not "we are all going to die if someone touches anything") we could have had all county offices and court facilities

opened by April 15, 2020 — *Janine Sulzner, defendant in civil case & retired co. auditor*

15. Particularly in juvenile law, videoconferencing has been very beneficial. Most juvenile hearings are very short (less than 15 minutes) and uncontested. To be able to simply log on saves time and money (for attorney and client, thus SPDO). It also prevents out-of-county attorneys from travelling, which also saves money to SPDO. I think a half-day or full day hearing should be in person (with proper precautions) but anything less should be videoconference. — *Victoria Noel, Noel Law Firm, PC*
16. The biggest concern right now is jury trials and social distancing. I have done 2 jury trials, and I did not think that jury selection was done in the most safe or efficient manner. I also do not believe that the county attorney should bear the cost of an alternate location for the jury trial or the cost of improvements for the courtroom for technology improvements. I don't have the money for this, consequently it will not get done in my county. — *Tina Meth Farrington, Calhoun County Attorney*
17. Thank you for looking at these changes because some of them are great and could be kept. Thank you for all of the hard work during COVID! — *Katrina O'Brien, Magistrate Court Attendant*
18. I think it is also workable to allow some staff to work from home under certain circumstances. This would include court reporters. I generally believe it is best for them to be in person since their work is often not just simply reporting in the courtroom. Justice is better done in person most often but with the flexibility to deal with circumstances as they come, we can still get work done, do justice, and perhaps make the access to justice better and less costly. When we do that, in the right circumstances, we are doing a better job overall. — *Judge Neary, 3rd District*
19. I am on the court appointed list for all of the 5th Judicial District for A and B felonies. I will continue to take cases throughout the District as long as we use gotomeeting for all but the most necessary matters. I also now send in the first correspondence a waiver of personal presence to cover both the gotomeeting and the situations where the defendant does not appear. This is absolutely necessary in that the public defendant does not pay for the time spent traveling. If that were to change I expect the southern tier of counties would be flooded with attorneys. — *Richard E. JH. Phelps, II*
20. I am very impressed and grateful for the way the Judiciary and Iowa attorney's handled the pandemic and continued to provide quality representation to clients. I am a firm believer that out of every "bad" situation something positive happens. Forced change sometimes results in new and innovative protocol that, in many cases, improves previous procedures. As a member of several national attorney groups, it appears that this forced push into the virtual world has worked extremely well, minus cat filters, and technical problems, overall. I suggest that these virtual options continue. I know that my clients have preferred them and I intend on running my office as virtually as possible. The downsides that I have noticed is that there is less friendly chatting that

happens outside of the courtroom and I have to work harder at setting aside my work, due to less down time. — *Alexandra Nelissen, Advocate Law, PLLC*

21. Most of my work consists of court appointments. I practice mostly in juvenile court, with some criminal matters, as well as appellate work. I am also the full-time caregiver for my spouse, who is living with alzheimers, and who remains in our home. Thus, I have moved my law office completely into my house. The ability to participate in zoom hearings and file documents, including felony pleas, remotely, has enabled me to continue to maintain at least a partial law practice. In essence, I have found the silver lining in this pandemic. If hearings move off of zoom and return to the courtroom, whether juvenile or criminal pleas/sentencings, I will probably have to take a leave of absence or give up my law practice completely. Even if others are in the courtroom, the telephone system we have is less than optimal to hear much, so connecting by phone would not work on a regular basis. — *Marti Nerenstone, Attorney*
22. Being able to attend hearings by phone and having intial appearances by phone have made the judicial experience more streamlined and efficient. Instead of having to continue a hearing that gets set close in time to another in a different county, I am able to do both. Thereby negating delays in cases. Magistrates in the rural areas are able to work remotely when they are allowed to do things by phone. I believe this will increase the number of applicants to those positions. I strongly encourage the Court to continue to allow phone/video hearings in juvenile matters and criminal matters. I think the Pandemic has taught us that technology advances have allowed the judiciary to run more effeciently. I strongly urge the Court to allow most of the procedures to continue. — *Jennie Wilson-Moore, Wilson Law Firm*
23. Allowing people who need them the ability to have virtual hearings should be a permanent change. Frequently parties have to miss a full day or half day of work to come to court for what ends up being a five minute hearing. Frequently parties who live out of county or out of state drive for hours just to have a five minute hearing or to find out that the hearing has been cancelled all together. It makes more sense to allow for virtual hearings in situations such as those. It expedites the process for everyone involved. Similarly, changing deadlines such as motions being filed 30 days before trial makes much more sense, particularly with how long cases are regularly continued out. Just because it is not the way we've always done things doesn't mean it is bad. We should not be racing to get back to "normal" if the modified version of things was better. — *Kiimberly DePalma SPD*
24. Please get rid of masks. — *Jane Smith*
25. From email: I am MOST PLEASED the Court is striving to determine what pandemic efficiencies should be made permanent. I applaud the Court's forward-thinking that so much facilitated the practice of law during these challenging times. As a criminal defense attorney, virtually all the "criminal rules" promulgated during the pandemic helped create an environment wherein my practice could continue unabated. Besides that, the whole criminal justice delivery system has been most wonderfully been brought into the 21st century through the

use of remote conferencing technologies. The rules of criminal procedure should be permanently modified to allow the continued and liberal use of such technologies moving forward.
Thanks for the opportunity to submit comments. — *Jonah Dyer, JHD Law*

26. Thank you for all of your hard work! I appreciate your time and consideration of my comments. — *Judge Currie, 2d District*
27. The general consensus of the litigants, jurors, and participants of the judiciary proceedings is that the pandemic is over. Those who wish to have a vaccine have received it. Those who have not been vaccinated will likely never be vaccinated. — *Judge Dalrymple, 1st District*
28. It would be extremely beneficial to the court system to keep the Zoom option for hearings. Having this option has greatly assisted defendants, attorneys, and other individuals who previously had to appear personally in court. These individuals sometimes have difficulty traveling to court for various reasons, including: because court is being held in another county (probation officers who have clients in multiple counties) or for defendants who live in another county or state than the one where they were charged, or for attorneys who travel county to county (especially since we have an attorney shortage in this part of the state and having Zoom as an option has cut down on travel time, enabling attorneys to spend more time working on their cases and appearing in court, and enabling us to keep more attorneys on the court-appointed list.) Parties would still be free to request in-person — *Judge Shepherd, DAJ 7th District*
29. As I stated before the only problem I have experienced is with a nonjury trial via Zoom. Due to problems with connection ability with the parties this is very difficult and causes delays in the proceedings. I feel nonjury trials can be held in person as long as there is space for social distancing. — *Jeannine Leibold, Judicial Specialist II*
30. Many of the changes made by the Court system during the response to COVID made the Court system more user friendly. While it is sometimes lost in the shuffle, the Court system is a service industry and I think keeping a lot of the changes will increase the public's opinion of the Court. I also think that the changes show that the Court system is no longer stuck in pre-technology days. The changes have decreased the time necessary to complete certain tasks for the Court and decreased costs to various entities. To fail to keep these changes would further the belief that the Court system is outdated and eschews technology in favor of keeping the old ways for no good reason. — *Kenneth Duker SPD*
31. Our courts have done a great job to deal with the pandemic. I work in South Dakota, also, and it has been unsafe and chaotic at times. I especially wish to complement Judge Hoffmeyer for his leadership and implementation of alternative methods to deal with court issues during these difficult times. The mandatory mediation provision was much needed and has led to a 85-90% settlement rate with cases at my office. I hope that s mandatory mediaiton requirement before a dissolution/custody trial remains in effect from this point forward.

THank you for allowing our input. Elizabeth Rosenbaum — *Elizabeth A. Rosenbaum, PC*

32. created a system that facilitates non-in-person matters to cover many situations. I believe that dismantling this system now and returning to almost entirely in-person court will cause just as much confusion and difficulties as starting the non-in-person system caused. The difference is that many, if not most, of the people who come before the magistrate court now are able to keep working and/or save travel time and/or attend to their children rather than traveling to the courthouse for what are often only a few minutes of actual time with the magistrate/judge. While not everything can be done remotely, much can. Ultimately, this would lessen the need for duplicative facilities, and provide more consistency throughout the state. — *Magistrate Mark Neary*
33. I have appreciated the access to videoconferencing. — *Michelle Lewon, Attorney at Law*
34. The attorneys at our office who have recently tried jury cases have found the current social distancing and face covering requirements to be miserable for all involved. I have serious concerns about the quality of communication (and justice) that results when everyone in the courtroom is muffled down with a mask or shield and cannot see each other's faces, witnesses are appearing as disembodied faces on a TV monitor, and the jurors are spread all over the courtroom. While there may have been a legitimate need for the current "safety protocols" up to this point, by July 1, 2021 these requirements should be brought to an end. Furthermore, beginning on that date, face coverings should NOT be permitted to be worn by anyone during court proceedings, without advance approval for good cause shown. — *Mike Carmony, Carmony Law Firm*
35. Speaking as a public defender, my client base is more likely to lack certain resources such as reliable transportation and mail delivery. My clients are also less likely to be able to take time off from their jobs to attend court. These challenges have been exacerbated by COVID and make access to the court system more difficult for them in particular. The ability to file written arraignments on our clients' behalf has been especially helpful, as well as being able to waive personal presence at certain hearings. Our courthouse lacks the physical space to adequately serve the county's population and maintaining proper social distancing would be all but impossible were court to return to "normal". I believe our judges have been able to use these rule changes to strike a healthy balance and would like to see them given the discretion to continue to do so. — *Sarah Hradek, Assistant SPD*
36. I would like to see a hybrid of office work and work from home. There are days when not much is scheduled and working from home is very efficient. Office coverage is obviously needed. JCS staff all have cell phones and can access clients and information with ease. We are also getting highly mobile laptops as well. — *Shawn Lucas, JCO III*
37. I hear some grumbling about wearing face coverings during hearings, but I have conducted 100s of juvenile hearings, criminal hearings, and jury trials and have managed just fine. I have gotten used to wearing a mask and have gotten used to talking just a little slower and louder so I

can be heard. I am the only person in my household with exposure to the public over the last year, so I have been extremely careful, even wearing my mask in my office with the door closed during remote hearings. It's hardly any more burdensome than wearing a jacket and tie. I believe masks should continue at least for the time being and that if we knew folks had been vaccinated it would be easier to ease distancing requirements. Distancing requirements have caused us to use a larger room at a different location for jury selection but since it is normally concluded around the lunch break it has worked.

From email: In summary, I hope that the flexibility to conduct hearings remotely will continue – including criminal sentencings and pleas (and via paper). I also think it has worked well for juvenile hearings to be done remotely. I also hope that distancing and face coverings will remain for a while longer. — *Steve Cooper, Asst. Dallas Co. Attny*

38. I think that people who adapt to change and who like technology will generally favor continued use of Zoom. Those who are unsettled by change and challenged by technology probably are unhappy with Zoom. It is my firm belief that video technology will play an important roll in the delivery of Justice to our citizens and it is best that we work our way through effective use and administration of this important too so as to remain relevant and efficient. I recommend Judicial Education make training available for all stakeholders on efficient and effective use of this and any other technology that benefits our mission. Lastly, if I were to have a wish list granted, it would be for a great number more Zoom license so that more of our staff could set up and modify meetings. — *Judge Werling, 7th District*
39. From email: Overall, my position is that video conference hearings should continue to be allowed. In person hearings are generally best, but in several situations having the video option works well. Such situations include hearings in rural counties where transportation is often a barrier for individuals, especially those involved in juvenile court. Allowing attorneys to attend by video would also potentially increase the availability of attorneys in rural areas who currently have to travel for court in multiple counties on a given day, which limits their availability and causes potentially unnecessary continuances.

Telephone case management conferences (formerly pretrial conferences) work well and should be continued.

For initial appearances, video conferences work much better than telephone and even than in-person due to security concerns. Bringing defendants out of the jail or having judges go into the jail can be problematic, while video conferences allow for contact that includes non-verbals (often important to be able to tell if a defendant has comprehended what the judge is saying). — *Sarah Rothman, Rothman Law Office*

Iowa Legal Aid chart—Remote Technology No.1

FACTOR	WEIGHS IN FAVOR OF REMOTE HEARING	WEIGHS IN FAVOR OF IN PERSON HEARING
Disability	Mobility impairments; immunocompromised people; etc.	Visual impairments; cognitive impairments; hearing impairments; etc.
Presence of domestic abuse	Victims do not have to be in the physical presence of their abuser.	Safety concerns that remote video testimony may reveal a victim's location to an abuser.
Limited English Proficiency	May be easier to find an interpreter, especially for less supported languages.	Challenges in understanding and building an intelligible record may be compounded by distorted sound.
Confrontation – Cross exam		In general, video testimony – two way or one way – should not be substituted for in person confrontation absent a showing of necessity for an important public interest. <i>State v. Rogerson</i> , 855 N.W.2d 495 (Iowa 2014).
Confrontation – ability of a party to be present for proceedings	Sometimes people may default because they are unable to physically travel to a courthouse, but could participate remotely.	Spotty reception or expense may limit the ability of a party be present for testimony of others, which is a due process problem. <i>See In re M.D.</i> , 921 N.W.2d 229 (Iowa 2018).
Rural populations	Able to get judicial resources to more remote areas.	Less reliable broadband and other infrastructure in rural areas.
Income & access to internet	Travel costs and cost of missed work can make travel to courthouses expensive.	Many people have limited access to the internet due to lack of funds, or no access at all; access from public places may affect willingness to be candid.
Control over environment	Disruptive participants can be muted, moved to breakout room, or removed from hearing.	Can more easily verify identity of witnesses; avoid making a bad record due to bad reception; courts can better control coaching or communicating while testifying; can better control external distractions; less “talking over;” remote hearings may take more time to conduct.
Respect for the proceedings		Being physically present in a courtroom may affect perception of the gravity of proceedings for non-attorney litigants.
Exhibits		More difficult for pro se parties or others who are not technically proficient to handle exhibits remotely.